Johns Hopkins University Studies
in
Historical and Political Science
HERBERT B. ADAMS, Editor

History is past Politics and Politics present History.—Freeman

IX-X

VILLAGE COMMUNITIES
OF
CAPE ANNE AND SALEM

From the Historical Collections of the Essex Institute

By HERBERT B. ADAMS, Ph. D.

BALTIMORE
Published by the Johns Hopkins University
JULY AND AUGUST, 1883.

PROSPECTUS
OF THE
Johns Hopkins University Studies
IN
HISTORICAL AND POLITICAL SCIENCE.

H. B. ADAMS, Editor.

The following Studies are either ready for the press or in active preparation. Some of them will be published in the first instance by the University. Others will be reprints from the proceedings of learned societies, magazines, etc., where they appear in some cases under titles slightly different from those here adopted. The idea of this series is to bring together, in numbered monographs, kindred contributions to Historical and Political Science, so that individual efforts may gain strength by combination and become more useful as well as more accessible to students. The Studies will be published at monthly intervals, but not necessarily in separate form or in the following order. A limited edition only of each monographic number will be issued and a price will be set upon each as soon as it appears. A few single copies will be sold upon application and receipt of price. By paying $3.00 in advance, subscribers may avoid the inconvenience of small remittances and be assured of receiving, at lower rates, the first twelve numbers, comprising more than twelve papers and about 400 pages. A title-page and table of contents will be furnished upon completion of the First Series.

Scientific communications should be addressed to the EDITOR; *business matters, subscriptions, questions touching exchanges, etc., to the* PUBLICATION AGENCY (N. MURRAY), JOHNS HOPKINS UNIVERSITY, BALTIMORE, MARYLAND.

Subscriptions will also be received, or single copies furnished, by G. P. PUTNAM'S SONS, LONDON (18 Henrietta St., Covent Garden) AND NEW YORK; PORTER & COATES, PHILADELPHIA; CUPPLES, UPHAM & CO., (successors of A. Williams & Co.), BOSTON; SOULE & BUGBEE, BOSTON; ROBERT CLARKE & CO., CINCINNATI; JANSEN, McCLURG & CO., CHICAGO; JAMES ANGLIM & CO., WASHINGTON; TRÜBNER & CO., LONDON; KARL J. TRÜBNER, STRASSBURG; PUTTKAMMER & MÜHLBRECHT, BERLIN.

I. An Introduction to American Institutional History. By EDWARD A. FREEMAN, D.C.L., LL.D. With an account of Mr. Freeman's Visit to Baltimore, by the Editor, republished from the Johns Hopkins University Circular, No. 20. (Now ready. Price, 25 cents).

II. The Germanic Origin of New England Towns. Read before the Harvard Historical Society, May 9, 1881. By H. B. ADAMS, Ph. D. Heidelberg, 1876; Associate Professor of History, Johns Hopkins University. With Notes on Cooperation in University Work. (Now ready. Price, 40 cents).

III. Local Government in Illinois. Reprinted from the Fortnightly Review. By ALBERT SHAW, A. B. Iowa College, 1879; Johns Hopkins University, 1881–2: and Local Government in Pennsylvania. Read before the Pennsylvania Historical Society, May 1, 1882. By E. R. L. GOULD, A. B. Victoria University, 1881; Fellow in History, Johns Hopkins University, 1882. (Now ready. Price 30 cents.)

NOTE.

The following six papers have appeared in separate form, during the past two years, in the Historical Collections of the Essex Institute, which now permits this combination of scattered articles into one monograph, on the Village Communities of Cape Anne and Salem.

The very limited number of complete sets of the Studies now remaining compels the announcement that no further subscriptions for the first volume can be received at the rate of $3. Number XII, on Local Government in South Carolina, will shortly be issued, completing the First Series. Subscribers will receive a full Index to the Studies and a general title-page, with the special sub-heading *Local Institutions*. A few complete sets will be sold, bound in cloth, at $5 net.

The announcement of a Second Series of University Studies, to begin in January, 1884, will be made in Number XII. The Second Series will consist of monthly monographs devoted to *Institutions, Economics, and Politics*. It will be introduced by a paper on "New Methods of Study in History," read by the Editor before the American Social Science Association at Saratoga, September 4, 1883.

IX-X

VILLAGE COMMUNITIES

OF

CAPE ANNE AND SALEM

"The nature of everything is best seen in its smallest portions."—*Aristotle.*

"The doctrine of the sovereignty of the people came out of the townships and took possession of the states. Political life had its origin in the townships; and it may almost be said that each of them formed an independent nation."—*De Tocqueville.*

"By Cape Anne there is a plantation a beginning by the Dorchester [England] men, which they hold of those of New Plimoth."—*Captain John Smith.*

"In planting the colony at Cape Ann, the stock was consumed, but a foundation was laid on which now rests one of the leading States of a great nation."—*Babson, Hist. of Gloucester.*

"There are in all of us, both old and new planters, about three hundred, whereof two hundred of them are settled at Nehum-kek, now called Salem, and the rest have planted themselves at Masathulets Bay, beginning to build a town there, which we do call Cherton or Charles town."—*Higginson.*

"Some native merchant of the East, they say,
(Whether Canton, Calcutta or Bombay),
Had in his counting-room a map, whereon
Across the field in capitals was drawn
The name of SALEM, meant to represent
That Salem was the Western Continent,
While in an upper corner was put down
A dot named Boston, SALEM'S leading town."—*Rev. Charles T. Brooks.*

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History. — *Freeman*

IX-X

VILLAGE COMMUNITIES
OF
CAPE ANNE AND SALEM

From the Historical Collections of the Essex Institute

BY HERBERT B. ADAMS, Ph. D.

BALTIMORE
PUBLISHED BY THE JOHNS HOPKINS UNIVERSITY
JULY AND AUGUST, 1883.

JOHN MURPHY & CO., PRINTERS,
BALTIMORE.

THE FISHER-PLANTATION AT CAPE ANNE.

By Herbert B. Adams.

Early in the year 1624 Robert Cushman, the chief business agent of the Pilgrim fathers, wrote Governor Bradford from England: "We have tooke a patente for Cape Anne."[1] This patent, which may be seen in the library of the Essex Institute at Salem, was issued by Lord Sheffeild, a member of the Council for New England, to the associates of Robert Cushman and Edward Winslow, the latter having been sent to England in 1623 in the interests of Plymouth Colony. The patent gave "free liberty, to ffish, fowle, hawke, and hunt, truck and trade" in the region of Cape Anne. Five hundred acres of land were to be reserved "for publig vses, as for the building of a Towne, Scholes, Churches, Hospitalls" and for the maintenance of such ministers, magistrates, and other local officers as might be chosen by the corporation. Thirty acres of land

[1] Bradford, History of Plymouth Plantation, 160.

were to be allotted to every person, young or old, who should come and dwell at Cape Anne within the next seven years. These allotments were to be made "in one entire place, and not stragling in dyvers or remote parcells." The whole grant was not to exceed one and a half miles in length along the water front. A yearly rent of twelve pence were to be paid Lord Sheffeild for every thirty acres occupied. Authority was given to make laws and ordinances for the government of the plantation and to repel intruders by force of arms.

Such was the legal basis for the settlement and defence of an English town upon Cape Anne, where Gloucester was afterwards built. In these provisions for local government, schools, churches, hospitals, freehold land tenure, and commons for public use, we recognize the leading institutions which have entered into the town-life of New England. The idea of all these institutions originated in Old England, and ancient statutes of the realm are full of legislation regarding them. Even the Yankee disposition to truck and trade, to hunt and fish, was inherited from a nation of traders and adventurers, and by them from their Germanic forefathers. English commerce and English colonies sprang primarily from the amber-dealing tribes of the Baltic and sea-roving, colonizing bands of Northmen. The spirit of Saxon and Norman enterprise dawned upon New England from shores beyond the ocean.

But the Fisher Plantation at Cape Anne proved for the Pilgrims a failure, partly because, as Bradford says, "they made so pore a bussines of their fishing;"[2] and partly because of the exorbitant charges by English merchants for advancing colonial goods. Bradford says,

---

[2] Bradford, 197.

"they put 40 in ye hundred upon them, for profite and adventure, outward bound; and because of ye venture of ye paiment homeward, they would have 30 in ye hundred more, which was in all 70 per cent!"[3] The audacity of these shop-keepers who wrote their "loving friends" about "ye glorie of God and the furthrance of our countrie-men" is, however, less amazing than the fearless enterprise of the colonists who dared to assume such financial burdens, and actually succeeded, in a few years, in paying off a debt of £2,400. They did it by an extensive fur-trade with the Indians, whom they paid in wampum, the value of which the Pilgrims had learned from Dutch traders, and the art of manufacturing which from quahaugs and periwinkles, they probably acquired from the Narragansetts.[4]

---

[3] Bradford, 201. James Shirley, one of the English capitalists, writing to Governor Bradford, says: "It is true (as you write) that your ingagments are great, not only the purchass, but you are yet necessitated to take up y^e^ stock you work upon; and that not at 6 or 8 per cent. as it is here let out, but at 30, 40, and some at 50 per cent. which, were not your gaines great, and God's blessing on your honest indeaours more then ordinarie, it could not be y^t^ you should longe subsiste in y^e^ maintaining of, & upholding of your worldly affaires" (Bradford, 228-9). Such facts are very solid testimony in favor of the business energy of the Pilgrim fathers.

[4] "That which turned most to their profite," says Bradford (234) "was an entrance into the trade of Wampampeake" (wompam and peag). They learned the value of this kind of currency from the Dutch who "tould them how vendable it was at their forte Orania" (Fort Orange, or Albany). The Pilgrims bought £50 worth of this shell money from the Dutch, and introduced it in payment for beaver and other peltry, among the inland tribes of New England, and at the Plymouth trading post on the Kennebec. "At first", says Bradford, very naively, "it stuck, & it was 2 years before they, [i. e. the Plymouth people] could put of this small quantity, till y^e^ inland people knew of it; and *afterward they could scarce ever gett enough for them*, for many years togeather." We have been told by a local antiquary in Plymouth that the Pilgrims established a manufactory of *fiat* wampum upon Plymouth beach. Probably they got the idea from the Rhode Island Indians, "for," as Bradford says, "ye Narigansets doe geather ye shells of which yey make it from their shors" (235). Compare Hubbard's History of New England, to 100; Wheildon's Curiosities of History, 32; Arnold's Rhode Island, i, 81; Collections of Rhode Island Hist. Soc., iii, 20 *et seq.* There appear to have been two sorts of shell-money; the black or dark-purple, which was made from quahaugs or round clams, and the white, which was made from the stem of periwinkles. J. Hammond Trumbull says "*wompam* was the name of the white

English speculators were not slow to realize the possible advantages which might accrue from an occupation of the stern and rock-bound coast of New England. Even before the issue of the Cape Anne patent to men of Plymouth, certain merchants from the west of England, especially of Dorchester,[5] had sent their agents to catch fish off the promontory of Cape Anne, which in 1614 had been named "Tragabizanda" by Captain John Smith "for the sake of a lady from whom he received much favor while he was a prisoner amongst the Turks,"[6] but which soon gracefully yielded to the baptismal name of the consort of King James. In 1624, encouraged by the fame of New Plymouth and by the Rev. John White of Dorchester, the merchants of that neighborhood sent over sundry persons to carry on a regular plantation at Cape Anne, "conceiving that planting on the land might go on equally with fishing on the sea." John Tylly was appointed overseer of the fisheries and Thomas Gardener, of the plantation, at least for one year. At the end of that time,

---

beads *collectively;* when strung or wrought in girdles, they constituted *waumpeg* . . . . The English called all *peag*, or strung beads, by the name of the white, *wampom*," see pp. 140, 175-7, of his edition of Roger Williams, "Key into the language of America," Publications of the Narragansett Club, vol. i. This remarkable treatise by Roger Williams, which may also be found in the Collections of the Rhode Island Hist. Soc. vol. 17-163, contains a chapter on Indian Money or "Coyne," which is, perhaps, the most authentic source of original information concerning this subject. Other notices may be found in Wood's New England's Prospect ii, cap. 3; Lechford's Plaine Dealing, (Trumbull's ed. 1867) 116; and Josselyn's Account of Two Voyages to New England (ed. 1865) 110-11. The latter says the Indians work out their money "so cunningly that neither *Jew* nor devil can counterfeit."

[5] Hubbard, General History of New England, 105.

[6] *Ibid.* Compare Capt. John Smith's description of New England (ed. 1865) 17, where we find "Cape Trabigzanda" given as the old name of "Cape Anne." Elsewhere, 44, he speaks of "the faire headland Tragabigzanda." However the Turkish beauty would have spelled her name if she had had a chance, it is quite certain that Princess Anne of Denmark (1589-1619), daughter of Frederic II, spelled hers with an "e." The Patent was for "Cape Anne" and the older writers all have it so. Thornton also adopts this, the true historic form. Although Cape *Ann* is now sanctioned by popular usage, it is nevertheless a kind of slipshod vulgarism, like Rapidan for Rapid Ann, Mary Ann for Marianne or Mariana.

Roger Conant was made governor. The little colony appears to have sheltered itself under the protection of the Plymouth patent.[7] Captain John Smith, in his Generall Historie, which was published in 1624, with an abstract of Mourt's Relation, says "by Cape Anne there is a plantation a beginning by the Dorchester men, which they hold of those of New Plimoth, who also by them have set up a fishing worke."[8]

A quarrel soon broke out between the two parties. In the absence of the Plymouth fishermen, some Dorchester employés, under the command of one Mr. Hewes, came over to Cape Anne and took possession of a fishing stage built by Plymouth people the year before. Captain Standish and his men came up and peremptorily demanded the restoration of the staging. The occupants barricaded themselves upon it with hogsheads, while the Captain's party stood threatening upon shore. The dispute grew hot, says Hubbard, and high words passed between the opposing parties. The affair might have ended in blood and slaughter, if it had not been for the prudence and moderation of Governor Conant, who promised the Plymouth men that another staging should be built for them. Hubbard's pious condemnation of Standish, who undoubtedly had justice on his side, is an unconscious satire upon "the unco guid" spirit which pervades early New England history. "Captain Standish had been bred a soldier in the Low Countries, and had never entered the school of our Savior Christ, or of John the Baptist, his harbinger, or, if he was ever there, had forgot his first lessons, to offer violence to no man, and to part with the

---

[7] Thornton, Landing at Cape Anne, for text of Patent and interesting observations thereon, 31–47.

[8] Smith, Generall Historie, 247. Cf. Bradford, Hist. of Plymouth Plantation, note by Mr. Deane, 169.

cloak rather than needlessly contend for the coat, though taken away without order. A little chimney is soon fired; so was the Plymouth captain, a man of very little stature, yet of very hot and angry temper. The fire of his passion soon kindled and blown up into a flame by hot words, might easily have consumed all, had it not been seasonably quenched."[9] The conduct of Standish, instead of being reprehensible, appears to have been, on the whole, remarkably forbearing.

Hubbard also speaks in rather contemptuous terms of the Plymouth title to Cape Anne as "a useless Patent."[10] It was the only legal basis that the Cape Anne colony ever had, but it is truly remarkable that the Dorchester intruders should have asserted the right of defence, which the patent gave the Plymouth people and their associates, against the real owners of the soil and have finally expelled them altogether. This was the virtual conclusion of the whole matter: the Plymouth people went off to the Kennebec in 1625,[11] and the Dorchester men remained in possession of Cape Anne. There was more

[9] Hubbard, 110-11. Cf. Bradford, 196. [10] Hubbard, 110.

[11] In the latter part of the above year the Plymouth people sent a boat-load of Indian corn up the Kennebec river, and brought home 700 lbs. of beaver skins, besides other peltry. Bradford, 204.

In the year 1627, Plymouth colony sent Mr. Allerton to England with "what beaver they could spare to pay some of their ingagements, & to defray his chargs; *for those deepe interests still kepte them low.* Also he had order to procure a patente for a fitt trading place in ye river of Kenebeck; for being emulated both by the planters at Piscataway & other places to ye eastward of them, and allso by ye fishing ships, which used to draw much profite from ye Indeans of those parts, they [the Plymouth people] *threatened to procure a grante, & shutte them out from thence:* espetially after they saw them so well furnished with commodities, as to carie the trade from them [Plymouth]. They thought it but needful to prevente such a thing, at least that they might not be excluded from free trade ther, wher them selves had first begune and discovered the same, and brought it to so good effecte." We perceive by this extract from Bradford's History (221-2) that the Pilgrim Fathers were wise in their own generation. With the Kennebec trading-post in mind, Messrs. Bradford, Standish, Allerton, Winslow, Brewster, Howland, Alden, and Prince hired the trade of Plymouth colony for a term of six years, assumed all the debts of the corporation, bought off the Merchant Adventurers (retaining the aid of a few of the more honorable capitalists), and thus placed the affairs of New Plymouth upon a good business foundation. Bradford, 226-32.

method in the above seizure of the Plymouth staging than would appear from Hubbard's account. It seems from Bradford's version of the affair that certain of the merchant adventurers, who had fitted out the Plymouth colony, were now trying to dislodge them from their fishing station. Already factions had arisen among the English company, and "some of Lyfords & Oldoms friends, and their adherents, set out a shipe on fishing, on their owne accounte, and getting ye starte of ye ships [of Plymouth] that came to the plantation, they tooke away their stage, & other necessary provisions that they had made for fishing at Cap-Anne ye year before, at their great charge, and would not restore ye same, excepte they would fight for it." [12]

The first foundation of Massachusetts was for the same end as the first occupation of the islands of Venice, namely, for fishery. There is a more general truth than is usually imagined in the story told in Cotton Mather's Magnalia of the Puritan minister who once ventured to address a congregation of fishermen at Marblehead. He was exhorting them to be a religious people, otherwise, he said, you will contradict the main end of planting this wilderness. "Sir," said one of the fishermen, "you are mistaken. You think you are preaching to the people at the Bay. Our main end was to catch fish"! [13] Without doubt, both Pilgrims and Puritans had religious motives in coming to America, but they had also secular motives. As English colonists under English law, they came to plant civil as well as religious society, and they distinguished more sharply between things civil and ecclesiastical than is commonly supposed. Moreover, the investment of English capital in the colonial enterprise of both Pil-

[12] Bradford, 196. Cf. 169, note.
[13] Young, Chronicles of Mass., 6.

grims and Puritans cannot be explained upon religious grounds. The prospective fur-trade and fisheries procured financial support for Plymouth and Massachusetts. When Pilgrim agents were soliciting King James for a colonial patent, he inquired what profits might arise. "Fishing," they replied laconically. "So God have my soul," said the King, "'tis an honest trade; 'twas the Apostles' own calling."[14] But fishing never proved very profitable to Plymouth in early times. The Pilgrims had such constant bad luck that it became proverbial, "a thing fatal."[15] Bradford said they "had allway lost by fishing."[16] Their chief business success lay in trading wampum and Indian corn for beaver-skins and other peltry. On the other hand, not merely the material support but the original motive for the Cape Anne Colony, which was the first foundation of Massachusetts, lay chiefly in the fisheries. "During the whole lustre of years, from 1625", says Hubbard, "there was little matter of moment acted in the Massachusetts, till the year 1629, after the obtaining the Patent; the former years being spent in fishing and trading by the agents of the Dorchester merchants, and some others of West Country."[17] Long previous to 1625 "the foresaid merchants . . . yearly sent their ships thither"[18] to Cape Anne for purposes of fishing. The idea of a permanent plantation there was suggested by the prosperity of Plymouth, but the plantation was to be mainly in aid[19] of the fisheries. Fishing continued to be and has always been the chief interest at Cape Anne. It was for the possession of this vantage ground that the Pilgrims and Dorchester employés were rivals.

The planters of Cape Anne, who professed themselves

---

[14] Young's Chronicles of the Pilgrims, 383. [15] Bradford, 168. [16] *Ibid*, 262.
[17] Hubbard, 110. [18] *Ibid*, 106.
[19] White, Planter's Plea, in Young's Chron. of Mass., 5-6.

"servants of the Dorchester Company"[20] were by no means irreligious men. They leaned, however, more towards the Church of England than toward the Separatism of Plymouth. Hubbard says "the Adventurers, hearing of some religious and well-affected persons, that were lately removed out of New Plymouth, out of dislike of their principles of rigid Separation (of which number Mr. Roger Conant was one, a religious, sober, and prudent gentleman . . .) they pitched upon him for the managing and government of all their affairs at Cape Anne. . . . Together with him, likewise, they invited Mr. Lyford, lately dismissed from Plymouth, to be the minister of the place; and Mr. Oldham, also discharged on the like account from Plymouth, was invited to trade for them with the Indians. All these three at that time had their dwelling at Nantasket. Mr. Lyford accepted, and came along with Mr. Conant. Mr. Oldham liked better to stay where he was for awhile, and trade for himself, and not become liable to give an account of his gain or loss. But after a year's experience, the Adventurers, perceiving their design not like to answer their expectation, at least as to any present advantage, threw all up; yet were so civil to those that were employed under them, as to pay them all their wages, and proffered to transport them back whence they came, if so they desired."[21]

The Cape Anne experiment thus proved a failure for the Dorchester merchants, as it had done for the Pilgrim fathers. It would obviously be quite as unfair to ascribe to base and material motives the failure of the merchants in planting a sterile shore as it would to ascribe to spiritual considerations the failure of the Pilgrims in fishing a barren sea. The Dorchester merchants appear to have

---

[20] Thornton, Landing at Cape Anne, 58, 59; see depositions of Woodbury and Brackenbury. [21] Hubbard, 106-7.

been very honorable and generous men. The Reverend John White, whom Hubbard calls "one of the chief founders of the Massachusetts Colony,"[22] was associated with them as a stock-owner (as he probably had been with the capitalists who fitted out the Plymouth colony[23]) although, as Wood tells us, he "conformed to the ceremonies of the Church of England."[24] The explanation of the failure of the Cape Anne enterprise is not to be sought in the character of the men, for a better set of colonists never trod the shores of the New World than the Old Planters[25] who left the unproductive Cape and founded the town of Salem. The plain fact is that the spot originally chosen was a poor one for a new plantation. Roger Conant never liked the place, and soon began to make inquiries for one more commodious, which he found a little southwestward from Cape Anne, upon the further side of a creek called Naumkeag. Cape Anne was consequently abandoned, but it was the stepping-stone to Salem.

---

[22] *Ibid*, 107.

[23] Bradford's Letter-Book, Collections of Mass. Hist. Soc., 1st series, iii, 48, for list of Plymouth adventurers. Cf. Bradford's History, note by the editor, 213.

[24] Young's Chronicles of Mass., 26, note.

[25] The best account of the antecedents and belongings of the Old Planters of Salem may be found in George D. Phippen's article upon this subject in the Hist. Coll. of the Essex Institute, i, 97 *et seq.* Thornton's Landing at Cape Anne is also a pioneer effort in this interesting field of Massachusetts beginnings. The student of Hubbard would naturally infer that only four or five men removed with Roger Conant from Cape Anne to Naumkeag, but Mr. Phippen shows that there were more than a dozen emigrants. He gives the following list; Roger Conant, (governor), John Lyford (minister), John Woodbury (who became the first constable of Salem), Humphrey Woodbury, John Balch (ancestor of the Beverly Balches), Peter Palfrey (progenitor of the historian of New England), Capt. Traske (ancestor of W. B. Traske of Dorchester, who lately transcribed the Suffolk Deeds), William Jeffrey, John Tylly, Thomas Gardner, William Allen, Thomas Gray, Walter Knight, Richard Norman and his son of the same name, which clings yet to the reef of Norman's Woe, where one of the family was lost. Compare Thornton's list (Landing at Cape Anne, 63). Mr. Phippen thinks that, including men, women and children, there must have been, at least, thirty people in the little migration which colonized Salem. The colony at Cape Anne, he conjectures, numbered not far from fifty persons. White, in his Planter's Plea, says, "In building houses the first stones of the foundation are buried underground and are not seen." We shall find the Old Planters very lively stones in the upbuilding of Salem.

XUM

ORIGIN

OF

SALEM PLANTATION.

By Herbert B. Adams.

One of the proximate causes for the removal of Roger Conant and his associates to the green, inviting meadows of Naumkeag was undoubtedly the desire of obtaining better accommodations for the pasturing of cattle. Some of the colonists had now gone home to England or had resumed their seafaring life; "but a few of the most honest and industrious," as the Reverend John White tells us in his Planters' Plea, "resolved to stay behind and take charge of the cattle sent over the year before."[1] Not liking the pastoral facilities of Cape Anne, which White says had been chosen rather on account of its advantages for fishing, the little company of a dozen or more men,

[1] White, Planters' Plea, in Young's Chronicles of Massachusetts, 12. This Plea was obviously written in the interests of the colonization as a business. The work is full of financial data, matters of profit and loss in the fisheries and fur-trade, and throws more light upon "the causes moving such as have lately vndertaken a plantation in New England" than any existing documentary evidence, apart from the original records of the Massachusetts Company.

who now remained, transported themselves with their families and cattle, to Naumkeag, where they found fresh fields and pastures new. A common for pasture was Salem, therefore, in its historic origin, and a common for historical browsing does Salem yet remain.

Another occasion for the original occupation of Naumkeag was the excellent opportunity here presented for raising Indian corn. We are told by an almost contemporary historian, who probably obtained his information from Roger Conant himself, that Naumkeag "afforded a considerable quantity of planting land, ... Here," continues Hubbard in his narrative, "they took up their station upon a pleasant and fruitful neck of land, environed with an arm of the sea on each side".[2] It appears that the place was to a considerable extent, an open tract of country. It was certainly the inviting meadow and the "quantity of planting land" which attracted the attention of the first explorers. Here they found, already cleared for their use, what the ancient Germans would have termed a Mark. Here lay the *camporum spatia*,[3] the wide-extending open spaces, in which, according to Tacitus, the Germans found division of land an easy matter. There can be little doubt that the first settlers of Naumkeag found here as good an opening as did many German villages in the Black Forest or the Odenwald. The Reverend Francis Higginson, in his New England's Plantation, says, "Though all the country be, as it were, a thick wood for the general, yet in divers places, there is much ground cleared by the Indians, and especially about the Plantation [Naumkeag]; and I am told that about three miles from us a man may stand on a little hilly place and see di-

---

[2] Young's Chron. of Mass., 21.
[3] Tacitus, Germania, Cap. 26.

vers thousands of acres of ground as good as need to be, and not a tree in the same."[4]

It is one of the most interesting facts connected with the plantation of many New England towns that they were built upon open spaces formerly cultivated by the Indians. Plymouth was planted, not under "the rocking pines of the forest" but in an old Indian corn-field, probably near the site of some ancient Indian village, which had been devastated by the pestilence that swept off so many Indian tribes before the English came over. The Pilgrim record says, "we came to a conclusion by most voices, to set on the main land, . . upon a high ground, where there is a great deal of land cleared, and hath been planted with corn three or four years ago."[5] Although there is no such original record of the planters of Naumkeag, yet doubtless it was by some such informal vote, by the agreement of the greatest number, that Roger Conant and his little company determined to occupy this "pleasant and fruitful neck of land." So pleasant, in fact, and at the same time so ancient did the Puritan clergy afterward consider this old Indian locality, that some of

---

[4] Francis Higginson, New England's Plantation (Young, 244.)

Thomas Graves, also, a professional engineer and surveyor, who came over with Higginson, to lay out towns and investigate the resources of the country, its mines, minerals, salt springs, etc., confirms the above testimony. Graves had been a great "traveller in divers foreign parts," but says, "Thus much I can affirm in general, that I never came in a more goodly country in all my life, all things considered. If it hath not at any time been manured and husbanded, yet it is very beautiful in open lands mixed with goodly woods, and again open plains, in some places five hundred acres, some places more, some less, not much troublesome for to clear for the plough to go in; no place barren but on the tops of the hills. The grass and weeds grow up to a man's face in the lowlands, and by fresh rivers abundance of grass and large meadows, without any tree or shrub to hinder the scythe." Graves says that, for cattle, corn, and grapes, he never saw any such land, except in Germany and Hungary, to which latter country he is always inclined to liken New England. See Young, 264. For an interesting note on Thomas Graves, see Young, 152.

[5] Mourt's Relation, or the Journal of Bradford and Winslow, in Young's Chronicles of the Pilgrims, 124, 167, 206, 229; Young's Chron. of Mass. 244.

the more learned divines were disposed to identify Naumkeag with the Hebrew Nahumkeike, signifying by interpretation, the "bosom of consolation," or, as Cotton Mather said, a "haven of comfort."[6] And Francis Higginson, who, with "a company of honest planters," joined the original settlers, called the place Salem from the Peace,[7] which they found here; although, according to another account, there arose some little jealousy between the old and new comers, which was finally allayed, the new Hebrew name then replacing the old by common consent to commemorate the establishment of an era of good feeling among neighbors.[8] But without laying stress upon pious etymologies, or upon the theory that Salem was once the abode of the lost tribes of Israel, we may safely say that the discouraged fishermen from Cape Anne found here a tolerably attractive opening in what has been called "an immeasurable expanse of lofty forests shrouded in the sable gloom of ages."[9] We may also rest assured that the Puritans, wandering away from their mother country and mother church, sought and found here upon this beautiful neck of Indian land, within the arms of the sea, that peace which the exiled Dante [10] found only in his grave.

The forest clearing originally occupied by the planters

---

[6] Mather, Magnalia, i, 328.

[7] Higginson's Journal in Young's Chron. of Mass., 21.

[8] Young, Chron. of Mass., 12, 21, 31, 145. The name of Concord, N. H., was thus chosen to commemorate the establishment of peace between two rival jurisdictions.

[9] Drake, History and Antiquities of Boston, 56 (a passage concerning the condition of the country about Conant's plantation).

[10] Dante's Divine Comedy, Inferno. Longfellow's Illustrations, Letter of Frate Ilario: "Hither he came, passing through the diocese of Luni, moved either by the religion of the place, or by some other feeling. And seeing him, as yet unknown to me and to all my brethren, I questioned him of his wishings and his seekings there. He moved not; but stood silently contemplating the columns and arches of the cloister. And again I asked him what he wished, and whom he sought. Then, slowly turning his head, and looking at the friars and at me, he answered: "Peace."

of Naumkeag was held by them in virtual commonage. They were acting as representatives of the Dorchester Company, which had sent over the very cattle that the colonists were now trying to preserve in the interest of their patrons. For the encouragement of these faithful men and as an earnest of future aid towards the establishment of a permanent plantation, the Dorchester merchants who had now combined with some London capitalists, sent over in 1626 twenty-four additional kine.[11] These also must have been pastured as a common herd together with the creatures sent over in 1625. A common of pasturage, therefore, was the open country about Salem from the very beginning. There is some reason for believing that planting ground was taken up by the white settlers in common with the Indians. In the deposition made by William Dixy, of Beverly, in 1680, to confirm Salem's Indian land titles, occurs the following interesting testimony: "I came to New England and ariued in June 1629 at cape an, where wee found the signes of buildings and plantation work, and saw noe English people, soe we sailed to the place now caled Salem, where we found Mr. John Endecott, Gouernor and sundry inhabitants besides: some of whom s^{d} they had beene seruants to the Dorchester company: & had built at cape an sundry yeares before wee came ouer,—when we came to dwell heare the Indians bid vs welcome and shewed themselues very glad that we came to dwell among them, and I vnderstood they had kindly entertained the English y^{t} came hether before wee came, *and the English and the Indians had a feild in comon fenced in together*."[12] There is sufficient evidence of the friendly relations exist-

---

[11] White, Planter's Plea, in Young's Chron. of Mass., 12.

[12] Thornton, Landing at Cape Anne, 81. Compare the depositions of other old settlers, given in Thornton's appendix, in regard to the title from the Indians, also the Indian deed of lands.

ing between the early settlers and the natives, and of the fact that both planted side by side. Nowhere else in Massachusetts, save in the town of Stockbridge, have we as yet found more delightful tokens of a recognized community of village interests between the white and red men than in the peaceful town of Salem, the Indian Naumkeag.

In Stockbridge, Indians not only owned lands[13] in common with the whites, but shared in the town offices, voted in town meeting, and communed with their pale faced brethren in the church. The Naumkeag Indians were also kindly treated by the white settlers and frequently paid them friendly visits, as did the Stockbridge Indians[14] to their friends after withdrawing from their old village-home.

The Reverend John White had promised Roger Conant by letter that, if he and a few other faithful men would hold fast and not desert the business of the plantation, a regular patent should be procured and "whatever they should write for, either men, or provision, or goods wherewith to trade with the Indians"[15] should be sent over. Hubbard says Mr. White was prompted to make this offer because some intimation had come from Roger Conant that the region of Salem "might prove a receptacle for such as upon the account of religion would be willing to begin a foreign Plantation in this part of the world."[16] This

---

[13] The Anglo Indian land community at Montauk, Easthampton, Long Island is perhaps the most remarkable case that has survived until a recent date. The subject has been investigated by Mr. J. F. Jameson, a Fellow of the Johns Hopkins University.

[14] The history of the Stockbridge Indians is under investigation by the writer in connection with the Evolution of Village Improvement in the mission town of Stockbridge.

[15] Hubbard, 108. A fur-trade with the natives was one of the economic foundations of Massachusetts as well as of Plymouth, see Hubbard, 110, and Higginson, in Young's Chron. of Mass. Roger Conant was an especially enterprising fur-trader. In 1631, he and Peter Palfrey, and others, formed a Company "for traffic in furs, with a truck house at the eastward," or as we should now say, "down in Maine," see Hist. Coll. Essex Inst., i, 102.

[16] Ibid, 107.

may have been Roger Conant's thought, but it is more likely that it was good Mr. Hubbard's pious reflection, for, at the time of the alleged communication, Roger Conant was a Church of England man; Lyford, the minister of Naumkeag, was warmly devoted to the interests of the established church, as his Plymouth career would show; the Reverend John White himself was at no time in his life more than a very moderate Puritan, for he is said to have conformed to the ceremonies of the established Church and he held church livings in England until the end of his days. Mr. White was a very philanthropic, learned, and orthodox divine. He was one of the Assembly which framed the Westminster catechism and was highly respected by the Puritan party, but he was no extremist or Puritan propagandist.[17] In his Planter's Plea, he tells the plain, unvarnished truth about the colonial establishment of Massachusetts. He says some of the adventurers desired to continue their attempt at a plantation; that they sent over more cattle to encourage the old planters and to attract others; they conferred with some gentlemen of London and persuaded them to take stock in the enterprise. "The business came to agitation afresh." Some approved it and others dissuaded. The matter was common talk in London and was soon noised abroad. Some men became so much interested in the project that they promised "the help of their purses if fit men might be procured to go over." Upon inquiry, John Endicott and other good men were found, who were willing to go to New England and carry on the work of "erecting a new Colony upon the old foundation." Money was subscribed; a patent was secured; and Endicott, with a few men, was sent over to Naumkeag, where he arrived in September, 1628, "and uniting

[17] Young's Chron. of Mass., 26.

his own men with those which were formerly planted in the country into one body, they made up in all not much above fifty or sixty persons." From another source of information, it appears that, later in the year, a small band of servants was sent over by the Massachusetts Company, which was now forming.

The Planter's Plea gives us the *raison d'être* of this enterprising and excellent Company. The safe arrival of Endicott's party and the favorable reports he sent back to England encouraged other capitalists to join the enterprise, and, "all engaging themselves more deeply," the next year about three hundred more colonists, "*most servants*," were sent over with some horses and sixty or seventy "rother-beasts"[18] (*i. e.*, cows and oxen, from Saxon *hrudher*, Old German *hrind*). The widening fame of Endicott's good government and of the success of the colony "began to awaken the spirits of some persons of competent estates, not formerly engaged." Being "without any useful employment at home" and thinking to be serviceable in planting a colony in New England, such men, of whom doubtless John Winthrop, Matthew Cradock, Sir Richard Saltonstall, Isaac Johnson, and Thomas Dudley are good types, joined the Massachusetts Company, probably with some remote intention of going out to America,—just as Englishmen now go out to India or Australia. We may add in passing that Matthew Cradock, the first governor of the Company and the predecessor of Winthrop, never came to America at all, but he sent out many servants who started for him a plantation of 2500 acres on the Mystick River (Medford) and impaled for him a deer-park: he had his own business-agent in Massachusetts and invested capital in ship-building, in the fisher-

[18] In the Statutes of the Realm, 3 and 4 Edw. vi., we have found "An Act for the buyinge of Rother Beasts and Cattell".

ies, and in the fur-trade.[19] Mr. White says that other people, "seeing such men of good estates" engaged in the enterprise, some out of attachment to these parties and "others upon other respects" (presumably religious grounds), united with them. Thus the Company was formed and a competent number of persons were secured to embark for New England.

Ministers were provided by the Company as a matter of course. Even the Dorchester merchants hired a minister. Messrs. Bright (who was devoted to the established church), Higginson, and Skelton (who were Puritans still in the Church) went out to New England, not as voluntary missionaries, but upon very good contracts for those times, before men were passing rich, on £40 a year. Higginson was to have £30 for his outfit, £10 for books, free transport to New England, a house, glebe-lands and fire-wood, the milk of two cows, and £30 a year for three years, at the end of which time "if he shall not like to continue," he was to have free passage home. Provision was made for his wife and children, in case he should die. It is very curious to note in the records of the Massachusetts Company, the items there entered for the outfit of the colony: Ministers, men skilful in making pitch and salt, vine planters,[20] patent under seal, wheat, rye, barley, oats, stones of all sorts of fruit, potatoes, hop-roots, hemp, flax, tame turkeys, linen and woollen cloth, pewter bottles, pint and quart measures, brass ladles, spoons, kettles,

[19] Young's Chron. of Mass., 137.

[20] Endicott wanted "Frenchmen — experienced in planting vines." The Company, in a letter to the Governor, said they had made diligent inquiry, but could not get hold of any of that nation. "Nevertheless", they say, "God hath not left us altogether unprovided of a man [Mr. Graves] able to undertake that work," *i. e.* labor in the vineyards of the Mass. Co. Governor Endicott planted a vineyard of his own in Salem. Governor Winthrop agreed to plant a vineyard upon so-called Conant's Island, afterwards the Governor's Garden or Governor's Island, the yearly rent of which was to be a hogshead of the best wyne that shall grow there," payment to begin after the death of the Governor! (Mass. Col. Rec., i, 94, 139; cf. Young's Chron. of Mass., 153.)

arms and apparel for 100 men, 45 tun of beer, and *six tuns of water*, 20 gallons of Spanish wine, 20 gallons of aqua vitæ and 20 gallons of oil [21]—this for one ship with a hundred passengers!

When Higginson and three ship loads of emigrants reached Naumkeag in June, 1629, there were found living under Endicott's government about one hundred planters. "We brought with us," says Higginson, who does not count *servants*,[22] "about two hundred passengers and planters more, which, by common consent of the old planters, were all combined together into one body politic, under the same Governor. There are in all of us, both old and new planters, about three hundred, whereof two hundred of them are settled at Nehum-kek now called Salem, and the rest have planted themselves at Masathulets Bay, beginning to build a town there, which we do call Cherton or Charles town. We that are settled at Salem make what haste we can to build houses, so that within a short time we shall have a fair town."[23] This account was written before the end of September, 1629, so that it appears the town-life of the Massachusetts colony was already beginning to bud and blossom in the wilderness.

The appearance of Salem at the time of Higginson's arrival is pleasantly described by that entertaining divine,

---

[21] Mass. Col. Records, i, 23-7.

[22] Barry, History of Mass., i, 165. Barry thinks there were one hundred and eighty servants sent over to Salem.

[23] "New England's Plantation, Or a Short and Trve Description of the Commodities and Discommodities of that Countrey, Written by Mr. Higgeson, a reuerend Diuine there resident. Whereunto is added a Letter, sent by Mr. Graues, an Enginere, out of New-England. The third Edition, enlarged!" (See Young's Chron. of Mass., 258-9). The publisher, in a prefatory note, says the work was "not intended for the press." "It was written by a reverend divine now there living, who only sent it to some friends here which were desirous of his Relations." Possibly the letter of Mr. Graves, the professional engineer, who was employed by the Company, was also not intended for publication, but his brief report and Higginson's long and highly interesting account of the plantation quickly found their way into print. Higginson's glowing sketch went through three editions in a single year, showing a marked public interest in the fortunes of the Massachusetts colony.

who though perhaps a trifle inclined to view the colonial fields of Massachusetts through benignant glasses, can be safely followed in local matters which he must have regarded with tolerably clear vision. "When we came first to Nehum-kek," he says very simply, "we found about half a score houses, and a fair house newly built for the Governor." The Governor had a garden with lot of green pease growing in it, as good as were ever seen in England. There were also in the plantation plenty of turnips, parsnips, carrots, pumpkins, and cucumbers. The Governor had planted a vineyard with great hope of increase. An abundance of corn was growing. The planters hoped that year to harvest more than a hundred fold. Higginson says it is almost incredible what great crops of Indian corn the planters have raised. One man told him that from the setting of thirteen gallons of corn he had had an increase of fifty-two hogsheads, every hogshead holding seven bushels, London measure, and every bushel had been sold to the Indians for an amount of beaver skins equivalent to eighteen shillings. Thus, from thirteen gallons of corn, worth six shillings, eight pence, reckons the good minister, a single farmer made in one year about £327, or over $1,500. We must make allowance for good-natured ministerial arithmetic and for the use of a very large sized fish as fertilizer in every hill of the old planters' corn, but we may, with probable truth, picture to ourselves a tolerably flourishing plantation made up of individual gardens and home-lots. We know that the old planters took up lands for themselves from the fact that Governor Endicott was instructed by the Massachusetts Company in the spring of 1629, to allow the first comers to keep "those lands w^{ch} formerly they have manured;"[24] and the above account of the success of one planter would indicate that at least the arable lands were

[24] Mass. Col. Rec., i, 388.

occupied in severalty. Higginson gives us to understand that even servants were to enjoy each the use of fifty acres. Some intimation, thereupon, of the plan proposed by the Massachusetts Company, May 19, 1629 (whereby each adventurer in the common stock was to have fifty acres for every member of his family and for every servant transported)[25] appears already to have reached the plantation. There was land enough for all. "Great pity it is," says Higginson, "to see so much good ground for corn and for grass as any is under the heavens, to lie altogether unoccupied, when so many honest men and their families in Old England, through the populousness thereof, do make very hard shift to live one by the other." The Indians do not object to the coming and planting of the English here, because there is an abundance of ground which the Indians can neither use nor possess. This land, he asserts, is fitted "for pasture or for plough or meadow ground." As for wood, a poor servant may have more timber and fuel than could many a nobleman in England. Nay, all Europe could not afford to make so great fires as New England. And as for fresh water, he continues, the country is full of dainty springs, and some great rivers, and some lesser brooks. Near Salem we have as fine clear water as we could desire, and we can dig wells and find water wherever we please.[26]

Higginson's account of the attractions of Salem is to some extent confirmed by William Wood, who came over to this country with Higginson, for a tour of observation, and wrote a very good description of the Massachusetts towns that were planted before his return to England in August, 1633. Wood's account of Salem is not quite so flattering to local pride, but it enables the reader to obtain a very matter-of-fact picture, entirely

[25] *Ibid*, 43.
[26] Higginson, New England's Plantation (in Young's Chron. of Mass., 242-64).

free from any suspicion of *couleur de rose*. "Four miles north-east from Saugus," says Wood, "lieth Salem, which stands on the middle of a neck of land very pleasantly, having a South river on the one side, and a North river on the other side. Upon this neck, where the most of the houses stand, is very bad and sandy ground. Yet, for seven years together, it hath brought forth exceeding good corn, by being *fished* but every third year. In some places is very good ground, and very good timber, and divers springs hard by the sea-side. Here, likewise, is store of fish, as basses, eels, lobsters, clams, &c. Although their land be none of the best, yet beyond those rivers is a very good soil, where they have taken farms, and get their hay, and plant their corn. There they cross these rivers with small canoes, which are made of whole pine trees, being about two foot and a half over, and twenty foot long. In these likewise they go a fowling, sometimes two leagues to sea. There be more canoes[27] in this town, than in all the whole Patent; every household having a water-horse or two. The town wants an alewife river, which is a great inconvenience. It hath two good harbours, the one being called Winter, and the other Summer harbour, which lieth within Derby's fort; which place, if it were well fortified, might keep ships from landing of forces in any of these two places."[28]

In this sketch of primitive Salem we see foreshadowed a rising city by the sea. These rude gondolas plying across the rivers and up and down the harbor represent for a simple agrarian folk that same in-dwelling maritime spirit which gradually transformed the rude fisherman of the Adriatic lagoons into merchant princes, trading with the Eastern Empire as the merchants of Salem were destined to trade with the farthest Orient. The beginning

[27] In 1636, Roger Conant was on the committee for inspecting the canoes of Salem.
[28] William Wood, New England's Prospect, in Young's Chron. of Mass., 409-10.

of Salem's foreign trade was precisely like that of Venice, namely, furnishing salt fish to Catholic countries, a trade which developed into the import of silks and spices of the Orient. In a recent poem by a son of Salem, who looks back upon the first settlement of this place through the field-glass of History, the bard exclaims

> Yonder we see from the North River shore
> The farmers of the region paddling o'er![29]

And the poet-sculptor Story, living under dreamy Italian skies, has sung of Salem his native town.

> Ah me, how many an autumn day
> We watched with palpitating breast
> Some stately ship, from India or Cathay,
> Laden with spicy odours from the East,
> Come sailing up the bay![30]

---

[29] From a poem by the Rev. Charles T. Brooks, at the Celebration of the Two Hundred and Fiftieth Anniversary of the Landing of Endicott, Historical Collections of the Essex Institute, xv, 212.

[30] From an ode by William W. Story, on the above occasion, *ibid*, 236.

The Visitor's Guide to Salem (H. P. Ives, 1880) says, page 6, "Salem has had a most remarkable commercial record. In 1825 there were one hundred and ninety-eight vessels owned in Salem. In 1833 there were one hundred and eleven engaged in foreign trade. Salem 'led the way from New England round the Cape of Good Hope to the Isle of France, and India and China. Her vessels were the first from this country to display the American flag and open trade with St. Petersburg, and Zanzibar, and Sumatra; with Calcutta and Bombay; with Batavia and Arabia; with Madagascar and Australia.'"

The Rev. Charles T. Brooks has put into verse a story familiar to Salem people of the grandeur of this city as viewed in the imagination of the Orient.

> Some native merchant of the East, they say,
> (Whether Canton, Calcutta or Bombay),
> Had in his counting-room a map, whereon
> Across the field in capitals was drawn
> The name of Salem, meant to represent
> That Salem was the Western Continent,
> While in an upper corner was put down
> A dot named Boston, SALEM'S leading town. *Ibid*, 213.

On the subject of Salem's oriental trade, see article by Robert S. Rantoul, on "Old Channels of Trade," in the Bulletin of the Essex Inst., ii, 145–154; and "The port of Salem," by the same writer, Hist. Coll. Essex Inst., x, pp. 52–72, and G. F. Cheever's "Remarks on the Commerce of Salem, 1626–1740," in the Hist. Coll. of Essex Inst., i, 67, 77, 117; also, see "Life of Elias Hasket Derby," Freeman Hunt's "Lives of American merchants, New York, 1858" vol. ii, pp. 17–100, and "Historical Sketch of Salem," by Osgood and Batchelder, Institute Press, 1879, chap. viii, p. 126–227, and a Letter of Robert S. Rantoul to the National Board of Health, Salem, March, 1882, on the "Early Quarantine Arrangements of Salem," Essex Inst. Bulletin, vol. xiv, pp. 1–56.

ALLOTMENTS OF LAND IN SALEM TO MEN, WOMEN, AND MAIDS.

By Herbert B. Adams.

The situation of the original houselots of the Old Planters of Salem has been the subject of careful investigation and some friendly controversy among local antiquaries and historians. It is interesting to trace the development of correct views from earlier but erroneous opinions. The Reverend William Bentley, in his Description and History of Salem, published by the Massachusetts Historical Society in 1800, says, "when Francis Higginson arrived in 1629, there were only six houses, besides that of Governor Endicott, and *these were not on the land now called Salem.*"[1] What authority Mr. Bentley had for this latter statement does not appear in his monograph. Probably he had in mind some local tradition connected with the locality of the Old Planters' Common Meadow, which of course lay without the village. Following upon Mr. Bentley's track, in 1835, came Robert Rantoul, sr., with his Memoranda of Beverly, published by the Massachusetts Historical Society, wherein he states very positively, "Roger Conant, John Woodberry and Peter Palfry first settled in 1626, on the neck of land between Collin's Cove on the south, and the North river on the north, in Salem. Bridge Street, leading from the compact part of Salem to Essex (Beverly) Bridge, runs over this neck of land. Their first houses were near to the margin of the river, and their lots running from the river across the neck to Collin's Cove."[2] This firmly planted opinion seems to have

[1] Collections of the Mass. Hist. Soc., 1st Series, vi, 231.
[2] *Ibid*, 3d series, vii, 254. Also Hist. Coll. Essex Inst., xviii, 307–8.

held its ground in Salem until a very recent date. Even Mr. Phippen, in his admirable sketch of the Old Planters, accepted the traditional notion, with certain modifications, suggestive of the real truth. He says, "The Old Planters appear to have occupied the larger part of the peninsula lying between the North River and Collin's Cove; and *they may not have been strangers to that larger peninsula beyond, which afterwards became the centre of the town.*"[3]

In 1859 came the full development and substantiation of this latter view by Mr. William P. Upham, who made a most thorough examination of old deeds and land titles and established the position, now cordially accepted by Mr. Phippen,[4] that "the old Planters occupied that portion of our territory which has ever remained the nucleus and central body of the town."[5] Mr. Upham, in a series of articles on the First Houses in Salem, published in the Bulletin of the Essex Institute, gives most conclusive proof[6] of this assertion. His results may be summed up in the following statement: "The manner in which the house lots in the central part of the town were originally laid out, seems to indicate that the earliest settlement was made in the vicinity of Elm street and Washington street, upon the South river. Between these streets the lots were small, irregular, and not in conformity with the plan upon which the rest of the town was laid out. East of there, all along the South river to the Neck, house-lots were laid out running back from the river; and along the North river, west of North street were larger house-lots, also running back from that river. Essex street was probably a way that came gradually into use along the ends of these lots; and as they were all of the same depth from

---

[3] Hist. Coll. of the Essex Institute, i, 103.

[4] Bulletin of the Essex Institute, i, 51. [5] *Ibid*, i, 51.

[6] See especially ii, 33–36, 49–52. These articles extend through two volumes of the Bulletin, i, 37,53, 73, 129 and 145, *et seq.* ii, 35, 49.

the river this street acquired, and has retained the same curves that the rivers originally had."[7] Mr. Upham is inclined to believe that the Old Planters did not all live closely together, but were somewhat scattered, each man having his separate house-lot and lands. Mr. Upham has completely overthrown the ancient tradition that the Old Planters "settled upon the comparatively small peninsula lying between Naumkeag, now North River, and Shallop or Collin's Cove," where Mr. Phippen supposed "Conant and some of his followers built their first small and unsubstantial cottages."[8] This latter view probably arose from the popular misconception that the Old Planters' houses must necessarily have been upon their Common Meadow. Mr. Upham thinks the land in that vicinity was not occupied for building purposes until nearly ten years after the original settlement of Naumkeag, that is, until after Beverly and Ipswich were planted.

The historical reconstruction of the ground plan of New England Village Communities is one of the most important subjects which can occupy the local antiquary. The situation of the original houselots, the first laying out of streets and lanes, the names of village localities, the transfers of real estate, the perpetuation of ancient landmarks which our fathers have set, the first site of churches and burying grounds, the lines of old forts and of village stockades (from which historical idea of a place *hedged-in*, the Town itself—from *Tun*, *Zun*, Zaun or hedge—actu-

---

[7] *Ibid*, ii, 52.

[8] Hist. Coll. of the Essex Inst., i, 197. It is an interesting fact that the framework of the "fair house newly built for the Governor" is still standing in Salem, north corner of Washington and Church streets, but it is still more interesting that this structure, though not the first in Salem, was the original "great Frame House" erected in 1624 at Cape Ann by the Old Planters, but pulled down, brought to Salem, and reconstructed "for Mr. Endecott's use," see C. M. Endicott in Hist. Coll. Essex Inst., ii, 39; cf. i, 102, 156. This is probably the oldest material structure in New England, and it is for Salem what "the Common House," if yet standing, would be for Plymouth.

ally sprang),—these things are all important in the study of town origins. They are the material foundations upon which the town rests as an abiding institution. Generations of men pass away, but old landmarks remain. It is worth while to clear away the accumulated rubbish of years and to discover the sub-structure of every New England village, just as modern antiquaries have unearthed the oldest walls of Rome. From an original diagram, preserved in the colonial records of Plymouth, we are able to determine with positive certainty the direction of the first street and the exact situation of the first house-lots in the oldest village of New England. Mr. William T. Davis, a noted antiquary of Plymouth, has during the past few years been examining old deeds and local records with a view to writing the history of the real estate of that ancient town. He published some of his materials in the Plymouth *Free Press*, under the title of "Ancient Landmarks."[9] The city of Boston has published a similar series of monumental studies called the Gleaner Articles, first contributed more than twenty-five years ago to the Boston *Daily Transcript* by a learned conveyancer, Nathaniel Bowditch.[10] The studies of Mr. Phippen and Mr. Upham stand in the same fundamental relation to the beginnings of Salem and of the Massachusetts Colony as do the studies of Mr. Davis and Mr. Bowditch to the beginnings of Plymouth and Boston. Such good works ought to grow from more to more. The territorial history of every town should be not merely written, but pictorially described by means of maps, showing early topography and ancient landmarks.

---

[9] In a circular issued Feb. 15, 1882, Mr. Davis proposes to publish his researches in an octavo volume of 600 pages, entitled "Ancient Landmarks of Plymouth."

[10] Fifth Report of the Record Commissioners. Materials for the continuation of such studies are now easily accessible in the volume of Suffolk deeds, transcribed by that eminent antiquary, William B. Trask, a descendant of Capt. Wm. Trask, one of the old Planters of Salem.

The house-lots of ancient Salem, as in all village communities, were quite small, considering the amount of available land in the plantation. In 1637, nearly two years after Mr. Conant had received his grant of two hundred acres in Beverly, it was ordered by the town of Salem, that Mr. Conant's house, with half[11] an acre of ground and the corn standing upon the same, should be bought at the town's expense for the use of old Mr. Plase and wife, who should occupy the premises for the rest of their lives. The place was then to revert to the town, which agreed to settle with the executors or assigns of Mr. Plase for whatever improvements he had made upon the ground. Now if Mr. Conant, the leading man of old Naumkeag, had only half an acre for his home-lot, it is fair to presume that his associates possessed at most only half acre homesteads. The idea of a home-lot was a plot of ground sufficient for a dwelling-house and out-buildings, for a door-yard and garden, with perhaps a small inclosure for feeding cattle or raising corn. When Higginson arrived in Salem, he noticed at once the Governor's garden, with its growing pease, and other gardens full of vegetables. This type of a house- or home-lot is familiar enough to New England people. We see it everywhere in our country towns and villages, where the houses are built together with any considerable degree of compactness. Tacitus might say of the early settlers of New England as he said of the ancient Germans, "*Vicos locant non in nostrum morem conexis et cohaerentibus ædificiis: suam quisque domum spatio circumdat.*[12] At no time in the early history of Salem were town-lots large. They were usually about an acre in extent. In the so-called Book of Grants, which are the oldest records of this town, we read in one place of two acre house-lots, but a page or two later, it appears that

[11] Town Records of Salem, i, 55. Cf. 121. [12] Tacitus Germania, cap. 16.

"the two acre lots were limited to one acre.[13] Even smaller house-lots than a half acre were sometimes granted; for example, "Augustin Kellham is admitted for inhabitant & is to haue a quarter of an acre before Esties house."[14] Half acre lots were very frequently granted to fishermen at Winter Harbor and to poor people upon the Town Neck. Many of these small grants were to be held only during the town's pleasure, and were therefore, strictly of the nature of "cottage rights" upon the waste land of an English manor. So-called cottage rights, as we shall further see, became an important criterion in Salem[15] at the beginning of the eighteenth century, for the division of common land. The inhabitants of Marblehead, which formerly belonged to Salem territory, were granted house-lots and nothing more, it being ordered by the town of Salem that "none inhabiting at Marble Head shall haue any other accommodation of land, other than such as is vsually giuen by the Towne to fishermen viz. a howse lott & a garden lott or ground for the placing of their flakes; according to the company belonging to their families, to the greatest family not aboue 2 acres: & the common of the woods neere adioyning for their goates & their cattle."[16] Cottage rights appear to have been granted to the men engaged in the Glass Works, with common in the Glass House Fields.[17]

But other lands than house-lots were speedily occupied in the settlement of the town of Salem. Indeed, it is very certain that the Old Planters owned more land than their homesteads. Governor Endicott, as we have seen, was instructed by the Massachusetts Company to confirm Mr. Conant and his men in the possession of lands which they had already improved and to grant them such other

---

[13] Town Records of Salem, i 9, 11. [14] *Ibid*, 53.

[15] *Ibid*, 17, 33, 53, 62, 63. Cf. Report of the City Solicitor on the Sale of the Neck Lands, 11.

[16] Town Records of Salem, i, 27-28. The town of Gloucester is built upon the "fisherman's field." See Thorntons Landing at Cape Ann, 83-4. [17] *Ibid*, 94, 225.

lands as might seem fitting.[18] And yet we are inclined to think that the Old Planters' farms were very limited in extent until after the grants in Beverly, of which we shall elsewhere speak. In spite of the large stories told to good Mr. Higginson about the enormous crops raised by the Old Planters, we believe that their corn fields were not very different from the type represented by Roger Conant's half acre in 1637. Probably the enterprising Mr. Conant had as much land as any of his associates, yet all that he possessed in the vicinity of the town, in 1637, was something less than forty-four acres, of which presumably a very small proportion was actually under cultivation. At Plymouth an acre of planting ground sufficed for an individual from 1623, when the first distribution of arable land occurred, down to 1627, when the partnership with the London merchants was dissolved and twenty more acres were allotted to each person. The normal amount of planting ground allowed to an individual during the early years of Salem history was ten acres. Almost the first entry in the Book of Grants is in regard to the division of ten acre lots. It was ordered that the least family should have ten acres, but greater families should have more, according to the number of persons in the household.[19] A "10 acre lott and a howse lott"[20] were regarded as a proper allowance for the head of a family. Mr. Plase, the blacksmith, who was established in Mr. Conant's old house, with a shop and forge at town expense, petitioned for a "tenne acre lott"[21] and obtained it. Lieutenant Davenport likewise received a ten acre lot.[22] Ten acres were enough for good farming in those days as now. To be sure, many attempts were made to inclose more, but the town authorities resolutely punished all such incroachments. John Pickering, Edmund Giles, Abra-

[18] Mass. Col. Rec.. i, 388. [19] Salem Town Records of Salem, 8. [20] *Ibid*, II.
[21] *Ibid*, 50, 121. [22] *Ibid*, 27.

ham Warren, Major Hathorne, and many others were fined for "taking in of towne common"[23] or incroaching upon the highways. Offenders were obliged to tear down their fences and open again to commons the land which they had inclosed. John Gatshell was fined ten shillings for building upon town land without leave, but the fine was abated to five shillings on condition that he should cut his long hair![24]

It is very pleasant to find that women, who were heads of families, received in early Salem their proportion of planting land.[25] Wallace, in his interesting work on Russia, has shown how in the town meeting or village *Mir* of that country, the women have their voice in the matter of distributing communal land, and a very high-keyed voice it is said to be. In Russia the women have not such a delicate consideration for the feelings of the other sex, as used to be shown by Mary Starbuck in the Island of Nantucket, who often addressed town meetings in her husband's name (for he was a bashful man), and always prefaced her remarks by these gracious and winning words: "Mr. Moderator and Fellow townsmen! My husband thinks", — so and so. To be sure, Russian widows have no husbands, but a tender allusion to the dear departed would certainly be more likely to influence a jury of fellow townsmen than angry vituperation. It is, however, very curious that in Russia the object of feminine anxiety is to have as small an amount of land as possible, for land signifies taxes. Land is actually imposed upon Russian widows if they have sons old enough to engage in farming. In Salem and Plymouth and the towns along Cape Cod, women could not get enough land. Still, in Salem, Tom More's widow drew her ten acres. Mistress Felton, "vidua," and her son Nathaniel received twenty acres. A

[23] *Ibid*, 46, 101, 105, 164, 190, 216. [24] *Ibid*, 55. [25] Town Records of Salem, i, 21-27.

very large grant of one hundred and fifty acres was promised Mrs. Higginson, if she should come, but this liberality was because of a special contract made with her late husband by the Massachusetts Company. Widow Mason received twenty acres and Widow Scarlet, thirty. Evidently, the amount of land in both cases was determined by the size of the family.

It is, on the whole, rather disappointing to find that maidens or spinsters did not fare quite so well in the distribution of land as the numerical claims of that class in society would seem to justify. The town fathers of Salem began well by granting so-called "maids lotts," but very soon this course began to be looked upon as highly indiscreet, for, in the records, we find a note in Governor Endicott's own handwriting, to the effect, that, in future, the town desired to avoid "all presedents & evil events of graunting lotts vnto single maidens not disposed of!" Hereafter, "it is ordered that noe single maiden not disposed of in marriage," — and then follows in the record a painful blank. At this point in his writing the Governor evidently came to a realizing sense of the odious Act he was about to inscribe in the local statutes, and he at once ran his pen through the entire passage. But he did not improve very much upon the phraseology of the law against single maidens by resorting to this expression, "for the avoiding of absurdities!" [26] The Governor attempted to refine his language, but he persisted in his cruel purpose. Deborah Holmes was refused land "being a maid," but the Governor endeavored to be kind, for he gave her a bushel of Indian corn! This maiden was evidently of mature years and well content to take care of herself, but the Governor and the Selectmen assured her that it "would be a bad president to keep hous alone."

---

[26] Town Records of Salem, i, 28, 32.

[From Historical Collections of the Essex Institute, Vol. XIX, pp. 241-253.]

COMMON FIELDS IN SALEM.

BY HERBERT B. ADAMS.

The reproduction of the old English system of Common Fields, or associate ownership of land for tillage and pasture, is a curious chapter in the agrarian history of early New England towns. Nearly all of them had the system to a greater or less extent. The writer has discovered evidence of its general prevalence throughout the Plantations of Plymouth Colony, where to this day there are many remarkable cases of survival, especially upon Cape Cod. But evidence is not lacking of the long continuance of this ancient system upon a large scale in Salem, the oldest of towns in the Colony of Massachusetts Bay. In the year 1640, there were in Salem no less than ten Common Fields of associated proprietors, who fenced more or less in common, under the supervision of fence viewers or surveyors of fences, who were appointed in Town Meeting. There was a special committee for each field. In the course of the seventeenth and eighteenth centuries,

most of these old communal proprietorships were broken up into individual and separate holdings, but the North Fields and the South Fields, which are spoken of as early as 1642–3, continued as Common Fields down to about the middle of the eighteenth century, and are still frequently referred to by citizens of Salem who are conversant with the traditions of the Fathers. The Rev. Charles T. Brooks, in his poem delivered September 18, 1878, at the commemoration of the fifth half century of the landing of Endicott, refers to the ancient Common Fields, so familiar to the early settlers:

> "North Fields and South Fields little dreamed that day
> Of horse-cars running on an iron way."

In the Rev. William Bentley's "Description of Salem,"[1] published in the year 1800, the old North Fields are spoken of as "the lands lying north of North river" and as containing "four hundred and ninety acres." He speaks of "an hill called Paradise, from the delightful view of the western part of the town." He says that South Fields "are the lands included between Forest and South rivers, and are divided from the great pasture by the Forest-river road. These lands are in good cultivation. Near the town are some settlements; the rest remain in farms and lots, possessed by the inhabitants of the town. . . . . The South Fields contain six hundred acres."[2] Certain parcels of ungranted or unoccupied land in the old North Fields remain common to this day, for example the tract of four or five acres known as "Liberty Hill," now used as a public pleasure ground. A few years ago there was considerable discussion in Salem as to the ownership of such tracts. It was the opinion of a prominent legislator,

---

[1] Collections of the Massachusetts Hist. Soc. 1st Series, vi, 218.
[2] Ibid, 217.

Hon. Charles W. Upham, then Mayor, in a Report on the Common Lands of the City of Salem in 1852,[3] that "Liberty Hill or any other unappropriated lands, if any there be in North Fields, belong to the proprietors of that district by a sort of special commonage, but cannot be disposed of, or appropriated by them, without the consent of the town first had and obtained. This seems to have been the principle upon which the North Field common lands were administered."

This opinion is sustained by the fact that at a Salem town meeting, March 8, 1684, it was voted that the proprietors of North Fields, or the major part of them, should have liberty to make such orders, from time to time as they should find necessary for the sufficient fencing and well improving of the said fields, and all such orders made by them, relating to the premises, being presented to the Selectmen and approved of by them were to hold good. But the Selectmen had the right of veto, showing that the authority over common fields which were owned by an individual proprietary was still vested in the town.

A local incident in American Revolutionary history, related by Mr. Felt in his Annals of Salem, well illustrates the independent spirit which characterized the ancient proprietors of North Fields, an agrarian commonwealth within the larger self-governed community of Salem. When Colonel Leslie, commander of a detachment of British forces, was directing his march towards the "hill called Paradise" in order to seize the artillery which had been hidden there, he found the road through North Fields blocked at a certain bridge, which still belonged to the old proprietors, although the Common Field had been

---

[3] Salem City Documents, for year 1852, p. 30. The writer's attention was called to this opinion of the late Hon. Charles W. Upham by Mr. Robert S. Rantoul of Salem.

broken up for more than a quarter of a century. The Colonel remonstrated with the farmers for obstructing the King's highway. "This is not the King's highway," said one of those sturdy yeomen. "This is a private way belonging to the proprietors of North Fields." Graphic accounts of the memorable scene at North Bridge are to be found in the printed speeches of Henry L. Williams, George B. Loring, and Edmund B. Willson, on the occasion of the Centennial Anniversary of Leslie's expedition to Salem, which invasion of local rights occurred February 26, 1775. "This deliberate, open resistance," said Mayor Williams, "by our townsmen to the decrees of the crown took place about seven weeks before the resistance at Lexington and Concord." There is not the shadow of a doubt, if Colonel Leslie, the officer sent from Boston by General Gage to take away the Salem guns, had offered violence to the North Field farmers, that the American Revolution would have flamed out then and there, for the yeomen were armed for battle; the local militia men were prepared, if necessary, to defend the Bridge. "You had better not fire," said John Felt, a plain-spoken townsman who had been remonstrating with Leslie; "you have no right to fire without further orders, and if you do fire you are all dead men. For there," said Felt, pointing to the assembled townsmen, "is a multitude, every man of whom is ready to die in this strife." And Leslie did not fire. Another leading man came forward and expostulated further with Leslie. "And who are you, sir?" demanded the British Colonel. The man replied, "I am Thomas Barnard, a minister of the gospel, and my mission is peace." He had come with his congregation from the old North Church, when the alarm arose that Sunday morning, "The regulars are coming!" The whole town poured out, and nothing but the entreaties of the minister induced them to

lower the draw-bridge and allow Leslie to march over a few rods on condition that he should march straight back again without any further aggressions on proprietary rights. This withdrawal without seizing the guns cost Leslie his commission, but it prevented Salem Common Fields from becoming the first battle ground of the American Revolution.[4]

One summer, a few years ago, in the Bodleian Library of the Essex Institute, at Salem, through the kind offices of Dr. Henry Wheatland and Mr. William P. Upham, there came into the hands of the writer a rare old manuscript. It was not one of the lost books of Livy, neither was it Cicero's missing treatise *De Gloria*, which was lost by Petrarch's poverty-stricken old schoolmaster who was forced to pawn it for bread. The Salem manuscript was no scholar's work. No monk had illuminated its pages; no humanist had revised its text. The Salem manuscript was characterized chiefly by bad writing, bad spelling, and by its general resemblance to the most primitive town records in New England, records kept oftentimes upon old account-books. There was nothing externally attractive about this dingy old manuscript, but it had for the student of New England local history more interest than a beautiful church missal or a classic palimpsest would have afforded, if found in that library of the Essex Institute. For this manuscript was the original record of the Proprietary of

---

[4] Felt, Annals of Salem, i, 185. See also a Salem City Document (1875) entitled "Memorial Services at the Centennial Anniversary of Leslie's Expedition to Salem, Sunday, February 26, 1775." See also "Leslie's Retreat" by C. M. Endicott, in Proceed. Essex Inst., i, 89. Also, Essex Inst. Hist. Coll. Vol. xvii, pp. 190-92.

No special mention was made in these Memorial Services held in the North Church, of the proprietors of North Fields and of their Declaration of Independence; and yet this is one of the most remarkable assertions of the local spirit which kindled the American Revolution. It was the surviving spirit of an old English agrarian community, an institution older than the Crown of England, asserting its sovereign, immemorial right to its own property.

the South Fields in Salem, an old agrarian community, the survival of an institution which was old when the Christian Church and the Roman Empire were young. The system of land community and Common Fields, with small individual allotments held under joint control, as instituted at Salem and Plymouth, reminds us of those old Roman days described by Bradford, the historian of Plymouth Plantation, in the words of Pliny (lib. 18, cap. 2): "How every man contented himselfe with 2 acres of land, and had no more assigned them." And chap. 3. "It was thought a great reward, to receive at ye hands of ye people of Rome a pinte of corne. And long after, the greatest presente given to a Captaine y[t] had gotte a victory over their enemise, was as much ground as they could till in one day. And he was not counted a good, but a dangerous man, that would not contente himselfe with 7 Acres of land. As also how they did pound their corne in morters, as these people were forcte to doe many years before they could get a mille."[5]

The records of the South Field Proprietary are incomplete. They do not open until the year 1680. Originally they covered a period from at least 1672 to 1742. But what was true of later times was probably also true of the earlier. There is but little change in agrarian customs.

---

[5] Bradford, History of Plymouth Plantation, Collections of the Massachusetts Hist. Soc., 4th Series, vol. 3, 168. For an interesting account of this original source of New England history, and how it was stolen from the tower of the old South Church in Boston, during the American Revolution, when that church was used for a riding school and stable by British soldiery, see the Editorial Preface by Mr. Charles Deane; see also an interesting paper on "Governor Bradford's Manuscript History of Plymouth Plantation and its Transmission to our Times," by Professor Justin Winsor, of Harvard College, a paper read before the Mass. Historical Society, Nov. 10, 1881. The existence of this priceless manuscript in the library of the Bishop of London, at Fulham on the Thames, was accidentally discovered years ago by members of the Massachusetts Historical Society, which had a copy made from the original, and this copy was published by the Society in 1856. It is one of the surviving shames that the original manuscript, stolen probably by some British soldier, has never yet been restored by England to New England.

In an old town on Cape Cod we have examined a continuous series of Commoners' Records from the latter part of the seventeenth century down to 1880, and have found scarcely any change in the character of votes or the modes of business procedure. In order, however, that there may be no question as to the nature of these old Common Fields at the time when there were ten of them in the one town of Salem, let us cite a few extracts from the Massachusetts Colony Records, which supply most admirably all missing evidence concerning the period before 1680. In the spring of 1643, the year the Massachusetts colony was divided into four shires, with Salem heading the list of Essex towns, it was ordered by the General Court, "For preventing disorder in corne feilds w^{ch} are inclosed in common, ... that those who have the greater quantity in such feilds shall have power to order the whole, notwithstanding any former order to the contrary, & that every one who hath any part in such common feild shall make and maintaine the fences according to their severall quantities."[6]

In the fall of the same year was passed an Act which leaves no doubt as to what was meant by the ordering of a field. "Whereas it is found by experience that there hath bene much trouble & difference in severall townes about the manner of planting, sowing, & feeding of common corne feilds, & that upon serious consideration wee finde no generall order can provide for the best improvement of every such common ffeild, by reason that *some consists onely of plowing ground, some haveing a great part fit onely for planting, some of meadowe and feeding ground;* also, so that such an order as may be very wholesome & good for one feild may bee exceeding preiudiciall & inconvenient for another,—it is therefore ordered, that

[6] Mass. Col. Rec. ii, 39, 195.

where the commoners cannot agree about the manner of improvement of their feild, either concerning *the kind of graine that shalbee sowen or set therein, or concerning the time or manner of feeding the herbage thereof*, that then such persons in the severall townes that are deputed to order the prudenciall affaires thereof, shall order the same, or in case where no such are, then the maior part of the freemen, who are hereby enioyned w^th^ what convenient speed they may to determine any such difference as may arise upon any information given them by the said commoners; & so much of any former order as concerns the improvement of common feilds, & that is hearby provided for, is hearby repealed."[7] But four years later, the Court went back to the old system, leaving the regulation of Common Fields entirely in the hands of the majority of interested proprietors.[8] The above order is significant of the actual survival in New England of old English agrárian customs.

The practice of allowing the selectmen, in so-called private Town Meeting, to regulate the management of Common Fields seems, from the town records of Salem, to have been already in vogue in this place before the passage of the above Act, at least as regards the control of common fences and the regulation of pasturage upon the stubble lands. In the spring of 1638, it was ordered by Mr. Endicott, John Woodbury, and the rest of the Town Fathers, "fforasmuch as divers of our towne are resolued to sowe English graine this spring . . . that all common & particular home ffences about the towne shall be sufficientlie made vp before the twentieth of the ffirst moneth next [April] vppon the payne or penaltie of 5 s. euerie day after that any one is defectiue therein."[9]

One of the most extraordinary features of this old

[7] Mass. Col. Rec., ii 49. [8] *Ibid*, 195. [9] Town Records of Salem, i, 84.

system of common husbandry, as practised in early Massachusetts, was the impressment of artisans by the town constable to aid farmers in harvest time. This undoubted power of the community over the time and labor of its individual members, a power seen in very recent times when constables impressed labor for mending the town roads, is a connecting link between New England towns and old English parishes. The following is the exact text of a colony law (1646), upon this matter of impressing labor in harvest time: "Because y^e^ harvest of hay, corne, flax, & hemp comes usually so neare together y^t^ much losse can hardly be avoyded, it is ordered & decreed by y^e^ Courte, y^t^ y^e^ cunstable of every towne, upon request made to y^m^, shall require artificers or handicrafts men, meete to labour, to worke by y^e^ day for their neighbours needing y^m^, in mowing, reaping, & inning thereof, and y^t^ those whom they help shall duely pay y^m^ for their worke, & if any person so required shall refuse, or y^e^ cunstable neglect his office herein, they shall each of y^m^ pay to y^e^ use of y^e^ pore of y^e^ towne double so much as such a dayes worke comes unto: provided no artificer &c, shalbe compeled to worke for others whiles he is necessarily attending on like busines of his owne."[10] This impressment of laborers for harvest was only the revival of old English parish law,[11] and is precisely the same in principle

[10] Mass. Col. Rec., ii, 180-1.

[11] In Lambard's "Constable, Borsholder, and Tythingman," a curious old volume, published in the year 1610, we find the following law: "In the time of Hay, or Cornharvest, the Constable, or any such other Officer, vpon request made, and for avoiding the losse of any corne, graine, or hay, may cause all such Artificers and persons (as may be meete to labour) by his discretion to serve by the day, for the mowing, reaping, shearing, getting, or inning of corne, graine, or hay, according to the skill and qualitie of the person; and if any such person shall refuse so to doe, then ought such Officer (vnder the pain of fortie shillings) to imprison such refuser in the Stockes, by the space of two daies and one night." See also 5 Eliz. cap. 4. This law appears to have been in operation in England down to very recent times, see J. W. Willcock, The Office of Constable (England, 1827; Philadelphia, 1840, p. 38).

as the requirement of local militia by the Selectmen to perform escort duty in the transportation of grain from the frontier towns to places of greater security.[12] The case of Captain Lathrop of Beverly, and his company, "the very flower of the county of Essex," as Hubbard calls them, will naturally recur to the Salem mind. These men were sent as a guard to some planters who were coming down the shore of the Connecticut river from Deerfield to Hadley with wagon-loads of grain and household goods. In crossing Muddy Brook, now called Bloody Brook, the company which was marching carelessly (some of the soldiers having put their guns in the carts, in order to be free to gather grapes) were suddenly attacked by Indians from the adjoining swamps, and nearly the whole band of soldiers and planters were cut off.[13]

Returning now to the old records of the South Field Proprietary, let us examine a few illustrative extracts, which, to the outside world, will doubtless be more interesting in their original form than they would in any modern paraphrase: "It is ordered & voated by the proprietors of the Southfield that the proprietors shall meet on the last Tuesday in ffebruary, every year for the making such orders as may be needfull for the Good of the Southfield, & it is left to the moderator & the Clarke[14] to appoint the place where they shall meet & this shall be accounted sufficient warning without any further notice Given of the tyme when to meet, & it is farther agreed that such as doe meet shall pay Sixpence each person to be spent at the house where they meet [at a tavern?] and such as doe not meet on that day shall pay eighteen pence

---

[12] Mass. Col. Rec., v, 66.

[13] Judd's History of Hadley, 147-9. Edward Everett's Oration at Bloody Brook. Washington Gladden, From the Hub to the Hudson. Several grandchildren of the old planters of Salem and Beverly perished in that terrible massacre at Bloody Brook, Sept. 18, 1675. See Essex Inst. Hist. Collections, Vol. xix, pp. 137-142.

[14] In this mode of spelling "clerk," we have a suggestion of its original pronunciation. Compare also the family name, 'Clark.'

Each person for non appearance and this to stand as a Constant order Continually, the tyme of the day is to be at one of the Clock." The proprietors sometimes met at a private house, and perhaps occasionally in the open fields. The proceedings at a proprietors' meeting were always conducted according to rules of parliamentary procedure. A New England man, in reading the old Commoners' records of Salem, would be chiefly impressed by the fact that here is described a miniature Town Meeting. A moderator is always chosen; a clerk records the proceedings; surveyors (not of highways) but of fences are appointed; field drivers are chosen; and taxes levied.

Among the officers chosen at a Commoners' meeting was the Hayward, or, as he is sometimes called in the later town records, "the watchman upon the walls of the pasture." Old Homer's ancient men, watching from the walls of Troy the conflict of human cattle, were hardly more ancient than this time-honored agrarian office. The swine-herd of Odysseus was a near kinsman of the Saxon Hayward. The office had nothing whatever to do with haying, or with grass-lots, as the name might at first seem to imply. It is derived from the Saxon *Hege* (German *Hag*, English hedge) and means the warden of the hedges or fences. Many German places derive their names from the hedge with which they were originally surrounded (*e. g.* Wendhagen, Grubenhagen, the Hague). In fact the word town means only a place that is hedged in, from the old German *Zun* or *Tun*, modern German *Zaun*, meaning a hedge. The office of hayward was originally constabulary in character. He was appointed in feudal times in the Court Leet (German *Leute*), or popular court of the Norman manor and English parish, thus coming down into the parish life of New England.

Let us now glance at the duties of the ancient watchman of the old South Field. "Voted, That the Gates att both

Ends of the field be made good & well repaired. And that the Little Gates Especially be Made and Hung so as to be easy for Travellers to pass at the Charge of the proprietary, and that the Haywards accordingly are Desired & Impowered to do it & to Render an Account of the Charge the next proprietors meeting" . . . . . "Voated that the Haywards . . or any of the proprietors of the Southfield shall have power to take up & Impound any horse kind or any other cattle w^{ch} shall be found loose upon his own ground or the grounds of any other proprietor of the Southfield feedings unless they be tyed & that none shall tether in the night time vpon the penalty of what the law doth determine in case of Damage fleazant [faisant]. And this to be from the tenth of April [more usually 25 of March] to the 14th of October . . & that the ffield be drove by the Hayward the 10th of Aprill & not to be broken open till 14th October next."[15] This custom of clearing the Common Field of all creatures in the spring and of breaking down the barriers again in the fall, so that the cattle of the whole village may pasture upon the stubble is quite parallel to the old English[16] Lammas lands, which belong to individuals but are subject to certain rights of commonage. Lammas day, when the fences of the Common Fields were thrown down, was the occasion of a village festival in old England.

It will be remembered that in old England there were two sorts of pasturage in Common Fields, whence crops had been gathered, (1) stinted, (2) unstinted. The latter

---

[15] A similar order, taken from the latter part of the South Field Records (1741) is even more striking than the above which bears the date of 1695: Voted, That no Person shall Teder any Horse Kind Cattle &c in said field, in the Night time, Nor in the Day time, Neither shall any Persons Bait their Creatures *on their own Land* on Penalty of forfeiting their Herbage, save only while they are at work there . . . the Haywards to Judge of the Same and to Debar them of their Herbage in the fall according to their Discretion or Have Power to take their Creatures from their Tedering Ropes & Impound them which they shall think most proper."

[16] Laveleye, Primitive Property, 114, 241.

must have been customary at Salem during the early part of the seventeenth century, but at the time the records of the South Field begin, 1680, stinted pasturage was the rule. In that year it was voted "That on ye 14 of October next ye Proprietors have Liberty to put in Catle For Herbige . . y^{t} is to say 6 Cows 4 Oxen 3 Horses or 12 Yearlings or 24 Calves to 10 Acors of Land and so in proportion to Greater or Lesser Quantities of Land According as they Have & no person shall Cutt or Stripe their Indian Corne Stalkes after they have gathered their Corne on penalty of forfiting Herbidge." At first sight, such a law might seem merely the resultant of local conditions, and of the somewhat commonplace discovery that Indian corn-stalks were good for foddering cattle. But there were similar laws in the agrarian communities of old England at this period. Gleaners had definite rights, and it was required that grain-stalks should be left at a certain height for the benefit of the village cattle. It appears from the South Field records that rights to "herbage" could be leased and transferred: "When the proprietors Shall put in their Creatures for Herbage they Shall Give an Account to the Haywards of the Number of the same And Whosoever shall Hire Herbage of any person Shall bring from Under the Hand of the Leasor for so much as he Hires to the Haywards by the 14 of October Next." Two other points are especially worthy of attention. First, many of the lots in the South Field appear to have been very small, a half acre, three quarters of an acre, an acre, and so on in such small proportions. Second, bits of common land lying in the great field were granted out by the Proprietary to individuals for a term of seven years.

SALEM

MEADOWS, WOODLAND, AND TOWN NECK.

BY HERBERT B. ADAMS.

We have examined the subject of common fields, where planting lands were associated together under certain communal laws as regards the choice of crops, the regulation of fences, the reservation of herbage, and the employment of the lands of individuals for a common pasture in the fall of the year. We have seen that the old English system of land community was reproduced at Salem in some of its most striking features. Let us now briefly consider the topics of common meadow, common woodland, and common pasture, in the full sense of that term. In these matters we shall find that the old English customs were still more minutely followed. The first item of interest, in connection with the subject of common meadow, is the fact that the Old Planters[1] enjoyed such a common all for themselves. It was known as "the Old Planters medow neere Wenham[2] common." And yet even this meadow

[1] Town Records of Salem, i, 76, 138.

[2] Wenham Common is mentioned only once in the town records of Salem, but Wenham Swamps are frequently noticed. These great swamps are interesting because they continued for many years common to both Ipswich and Wenham, as were certain swamps to Plymouth and Plympton. By an Act of the Province legislature in 1755, the proprietors of Ipswich and Wenham were authorized to meet and prohibit the general use of Wenham Great Swamp as a common pasture, in order that the growth of wood and timber might not be hindered. (Province Laws, iii, 799).

Wenham is a curious case of one town budding from another. It appears from the Massachusetts Colony Records (i, 279) that the inhabitants of Salem agreed to plant a village near Ipswich River and the Court thereupon ordered, in 1639, that all lands lying between Salem and said river, not belonging by grant to any other town or person, should belong to said village. In 1643, it was ordered by the Court that "Enon" be called "Wennan" and constitute a town, with power to send one deputy to the General Court (ii, 44). Johnson, in his Wonder-working Providence (W. F. Poole's ed., 189), calls Wenham Salem's "little sister." He says Salem

was under the authority of the town, for it was ordered in 1638 "that the meadow that is in common amongst some of our Brethren Mr. Conant & others shall be fenced in the ffirst day of April & left common again the last of September euery yeare." This signifies that a piece of grass-land common to a little group of men for mowing was also common to the whole town for pasture in the fall.[3]

The whole town of Salem once had its common meadows, just as did the town of Plymouth,[4] where the practice continued long after the partnership with the London merchants was dissolved. In both places, it was long customary in town meeting to assign lots where men should mow for one year, or for a longer period. The word "lot" as applied to land carries a history in itself. In 1637, it was ordered by the selectmen of Salem "that all the marsh ground that hath formerlie beene Laid out for hay grass shall be measured."[5] This was the first step towards the allotment of the Salem meadows. Before this time they had been absolutely common, as is clear from a vote like the following, passed in 1636, by the Selectmen: "Wm. Knight Rec[d] for an inhabitant, but noe Lands to appropriat vnto him but a 10 acre lott, & *common for his cattle grasse*

---

nourished her up in her own bosom till she became of age, and gave her a goodly portion of land. "Wenham is very well-watered, as most inland Towns are, the people live altogether upon husbandry, New England having trained up great store to this occupation, they are increased in cattle, and most of them live very well, yet are they no great company; they were some good space of time there before they gathered into a Church-body" [1644].

[3] Mr. William P. Upham, in the bulletin of the Essex Institute, ii, 51, says, in 1653 the town granted to George Emery the herbage of that parcel of land which was John Woodbury's in the old planters' marsh and all right of commonage the town might have claimed to him and his heirs forever, and in 1658, to Wm. Hathorne the town's right and privileges in the planters' marsh. Mr. Upham thinks the marsh was common to the old planters before Endicott's arrival, ii, 52.

[4] Bradford, History of Plymouth Plantation, 216-7. Plymouth Col. Rec., i, 14, 40, 56.

[5] Town Records of Salem, i, 44.

& hay."[6] Eight months after the above order in reference to the measurement of the meadows, it was "agreed that the marsh meadow Lands that haue formerly layed in common to this Towne shall now be appropriated to the Inhabitants of Salem, *proportioned out vnto them according to the heads of their families.* To those that haue the greatest number an acre thereof & to those that haue least not aboue haue an acre, & to those that are betweene both 3 quarters of an acre, alwaies provided & it is so agreed that none shall sell away theire proportions of meadow, more or lesse, nor lease them out to any aboue 3 yeares, vnlesse they sell or lease out their howses w^th^ their meadow."[7] This restriction upon the alienation of allotted land is repeatedly paralleled in the records of Plymouth Plantation, where grants were made to lie to so and so's house-lot in Plymouth and not to be sold from it.[8]

The above division[9] of Salem meadows among the families of the town was managed by the "ffive Layers out," Captain Trask, Mr. Conant, John Woodbury, John Balch, and Jeffrey Massey. In the town records, there is to be seen in the handwriting of Mr. Conant, a list of the heads of families, and before each name stands the number of persons thereby represented. Roger Conant headed a family of nine persons; John Woodbury, six; John Balch, six; Captain Trask, seven; and Mr. Endicott, nine. These heads of households received each an acre, for, by

---

[6] Ibid, 28. [7] Ibid, 61, 101-4.

[8] Restrictions upon the alienation of land were very frequent at Plymouth and elsewhere. See Ply. Col. i, 46 (eight cases), 82. Cf. Laveleye, Primitive Property, 118, 121, 152. Mass. Rec., i, 201; Conn. Rec., i, 351; Allen, Wenham, 26; Freeman, Cape Cod, ii, 254; Lambert, New Haven, 163; Bond, Watertown, 995.

[9] The granting of hay-lots by the year to old and new comers went on to some extent after the above division of the common meadow, which doubtless remained common, like the Old Planters' meadow, after the hay had been gathered. The following is a specimen of an annual hay-grant: "Graunted for the yeare to mr. ffisk & Mr. ffogge the hay grasse of the salt marsh medow, at the side of the old Planters fields" Town Rec. of Salem, i, 87.

the town vote, the greatest families could not have more than that amount of meadow. It gratifies one's sense of justice to be assured that Goodwife Scarlet, Mistress Robinson, the Widow More, Widow Mason, Widow Felton, Widow Greene, and "Vincent's mother" received each their proper allowance.

Common of wood, as well as of meadow, was long practised at Salem. It was ordered in 1636, that all the land along the shores on Darby's Fort Side, up to the Hogsties and thence towards Marblehead,[10] along the shore and for twenty rods inland, should be "reserued for the Commons of the towne to serue it for wood & timber."[11] But the privilege of wood commonage was not to be abused. Whatever a townsman needed for fuel, fencing, or building purposes, he could freely have, but it was strictly ordered that "noe sawen boards, clap boards or other Timber or wood be sold or transported" out of town by any inhabitant unless the above be first offered for sale "to the thirteene men."[12] Similar restrictions in regard to the export of timber prevailed in Plymouth Colony.[13] In the early history of Massachusetts, the colonial government, at one time, undertook to regulate the cutting of timber,

---

[10] Marblehead is an interesting case of a town voluntarily created by another town. Usually legislative action came first and towns were forced to allow the secession of precincts. In 1648, it was declared at a general town meeting in Salem that "Marble Head, with the allowance of the general Court, shal be a towne, and the bounds to be the vtmost extent of that land which was mr. Humphries farme and sould to Marble Head, and soe all the neck to the Sea, reserving the disposing of the fferry and the appoynting of the fferry man to Salem." (Town Rec., i, 156-7). Cf. Mass. Col. Rec., i, 165. "It was proued this Court that Marble Necke belongs to Salem." Cf. Ibid, 226. In 1649, May 2, "Upon the petition of the inhabitants of Marble Head, for them to be a towne of themselues; Salem haveing granted them to be a towne of themselues, & appointed them the bounds of their towne, w^ch the Courte doth graunt." Mass. Col. Rec., ii, 266.

[11] Town Records of Salem, i, 17, 34, 112, 196, 219.

[12] Ibid 30-1. An Act for the Preservation of Timber may be found in the Statutes of the Realm, 27 Eliz. An Act concerning "clap boards" occurs in the 35 Eliz.

[13] Plymouth Col. Rec., Book of Deeds, 8.

by requiring permission therefor from the nearest assistant[14] or his deputy, but this regulation seems to have been of no practical consequence. The matter was tacitly relegated to the towns, and they delegated the execution of their forestry laws to their own selectmen.

We have considered the topics of House Lots, Planting Lands, Meadow Lands and Wood Lands. The first two groups were lands held in severalty, although Planting Lands were common for a part of the year. The three chief categories of strictly Common Land are Wood, Pasture, and Meadow, corresponding to the old German terms, *Wald*, *Weide*, *und Wiese*. The reappearance of Common Wood and Common Meadow in the land system of Salem we have already seen. We come now to the last, and, in some respects, the most interesting division of our subject, namely, Common Pasture. This should not be confounded with the temporary pasturing of stubble lands or hay meadows after harvest. Real Common Pasture is always common, and there are usually no allotments of land in severalty.

A recent number of the *Contemporary Review* contains an interesting sketch of customs of common pasturage that still survive in Germany. The article is entitled "Notes from a German Village," and was written by an English professor[15] who spent a summer vacation in the little town of Gross Tabarz, on the northern slope of the Thuringian mountains. "Early every fine morning," he says, "we were awaked by the blowing of the *Kuh-hirt's* horn as he passed through the village, and any one watching his progress would see a cow turned out from one

---

[14] Mass. Col. Rec., i, 101. Cf. Judge Endicott's Brief, Lynn v. Nahant, 6.
[15] Contemporary Review, July, 1881. Article by Professor Aldis.

outhouse, two more out of a second, and so on, the procession gradually increasing until, on leaving the village, the *Hirt* and his assistant would have from eighty to a hundred and twenty cows and bulls under the charge of themselves and their two dogs. In wandering in the daytime through the forests we often heard from a distance the tinkling of the large bells which the cows carry, and in a few minutes would meet the whole procession coming gently along the high road or narrow lane, somewhat to the alarm of the more timid members of our party, but by no means to the diminution of the picturesqueness of the scene. By six o'clock in the evening the *Hirt* had gathered his flock together, and driven them back to the village, where the ox knows its owner, and, unbidden, each turns into its own stable."

When we read the above description, we were tempted to believe that the English professor had written his story of summer experience upon the basis of old records in Salem. Like the villages of the Thuringian Forest, Salem once had its cowherds, swineherds, and goatherds. They too, of old time, came through the streets of the village blowing their horns, and creatures were turned out to their pastoral care. In the spring of 1641, it was agreed in Salem town meeting that "Laurance Southweeke & William Woodbury shall keepe the milch cattell & heifers . . this summer . . . They are to begin to keepe them, the 6th day of the 2d moneth. And their tyme of keeping of them to end, the 15th day of the 9th moneth. They are to driue out the Cattell when the Sun is halfe an hower high, & bring them in when the sun is halfe an hower high. The cattle are to be brought out in the morning into the pen neere

to Mr. Downings pale. And the keepers are to drive them & bring such cattle into the Pen as they doe receaue from thence."[16]

The duty of village swineherds was similar. Early in the morning they were "to blow their horne" as they went along the street past the houses, and the townsmen brought out their swine to the keeper, who took charge of the drove until sunset, when all returned to town and every townsman received his swine again, which he kept over night in a pen upon his own premises.[17] The cattle were also kept over night by each owner, either in private yards or in the common cow houses.[18] In the morning the creatures were driven to the great Cattle Pen,[19] at the gate of which the herdsman stood waiting, and, at a certain hour, drove all afield. If a townsman arrived late with his cows, there was no help for it, but to follow after and catch up with the herd, or else to be his own herdsman that day and run the risk of his cows breaking into inclosures upon the plantation.[20] The herdsman was originally paid for his services by the town, but afterwards by individuals, at a rate fixed upon in town meeting, usually about four shillings sixpence per season, for the charge of every cow, the settlement being made in butter, wheat, and Indian corn.[21] The cattle of every town were marked with the first letter of the town's name, roughly painted with pitch. Towns whose names began with the same letter, for example, Salem, Salisbury, Sudbury, Strawberry Bank (Portsmouth) were obliged to agree upon differently shaped letters. Salem had a plain capital S; Salis-

---

[16] Town Records of Salem, i, 99. For other illustrations of the duties of the Town's Herdsmen, see Felt's Annals, i, 277–80. Herdsmen were employed in the Great Pastures of Salem down to a very recent date. Felt, i, 202.

[17] Hist. Coll. Essex Inst. xi, 36. Town Records of Salem, i, 100.

[18] *Ibid*, 94. [19] *Ibid*, 10, 39, 40, 66. [20] *Ibid*, 41. [21] *Ibid*, 207.

bury, the sign of the dollar, $; Sudbury added an upright dash to the top of its initial S; Strawberry Bank added a straight stroke downward from the tail end of its S.[22]

It is perhaps not generally known that Salem had not only town herdsmen, but actually town cows, town sheep,[23] town dogs,[24] and a town horse.[25] In the town records we read of a "townes cowe" killed by the butcher, and the Selectmen are ordered to sell the beef and hide for the town's benefit. Both cows and sheep came into the possession of the town in settlement for debts or taxes. But a most singular order was that which was passed in Salem in 1645, whereby half a dozen brace of hounds were to be brought out of England, the charges to be borne by the town. These town dogs were probably used for herding cattle or hunting wolves. Perhaps Salem's order was the first suggestion for the Act passed by the colonial legislature of Massachusetts three years later, whereby the Selectmen of every town were authorized to purchase, at the town's expense, as many hounds as should be thought best for the destruction of wolves, and to allow no other dogs to be kept in town, except by magistrates, or by special permit.[26]

Town flocks and herds, and town herdsmen imply the existence of town pastures. The first mention of this subject in the town records of Salem was in 1634, shortly after the division of the ten acre lots. It was then agreed that the Town Neck should be preserved for the feeding of

---

[22] Mass. Col. Rec., ii, 190, 225. [23] Town Records of Salem, i, 185, 189, 195.
[24] *Ibid*, 189. [25] Felt, Salem, i, 281.
[26] Mass. Col. Rec., ii. 252–3, *ibid* for law relating to Sheep Commons. The keeping of greyhounds for coursing deer or hare, and of setters for hunting, was forbidden in the parishes of Old England. See Lambard's Constable (1610) 81, and the statute I Jac., Cap. 27.

cattle on the Sabbath. Individuals were forbidden to feed their goats there on week-days, but were required to drive them to one of the larger Commons, so that the grass upon the Neck land might have a chance to grow for pasture on the Lord's day.[7] For Salem, the Town Neck was a kind of home-lot for baiting the town's cattle. In old England such a pasture would have been termed a *Ham*. William Marshall, an English writer of the last century, in describing the agrarian customs of his country, says: "On the outskirts of the arable lands, where the soil is adapted to the pasturage of cattle . . one or more stinted pastures, or *hams*, were laid out for milking cows, working cattle, or other stock which required superior pasturage in summer."[28] The practice of stinting the Neck land for pasture must have begun at a very early date, but not much is said about the matter in the published volume of the town records (1634–1659). However, the following vote of the old Commoners, in the year 1714, will serve to illustrate the principle as applied to a permanent town pasture: "Voted, that y^e^ neck of land to y^e^ Eastward of the Block house be granted and reserved for y^e^ use of y^e^ town of Salem, for a pasture for milch cows and riding horses, to be fenced at y^e^ town's charge, and let to y^e^ inhabitants of y^e^ town by y^e^ selectmen and no one person to be admitted to put into said pasture in a summer more than one milch cow or one riding horse, and y^e^ whole number not to exceed two and a half acres to a cow and

---

[27] Town Records of Salem, i, 9.

[28] Laveleye, Primitive Property, 245, cf. 59. Nasse, in his Agricultural Community of the Middle Ages, p. 10, quoting Marshall, observes: "Every village . . in the immediate vicinity of the dwelling-houses and farm-buildings, had some few inclosed grass lands for the rearing of calves, or for other cattle which it might be thought necessary to keep near the village (the common farmstead or homestall)."

four acres to a horse; y^e^ rent to be paid into y^e^ town treasurer for y^e^ time being for y^e^ use of the town of Salem."[29] Authority to stint common pasturage was given by the colonial legislature to the selectmen of every town in the year 1673.[30]

It is noteworthy that a part of the Neck lands continued to be used, and was specially known as a Town Pasture until long after the middle of the nineteenth century. According to a survey made in the year 1728, there were at that time about one hundred and three acres of land in the Town Neck, a part of it having been planted by poor people holding cottage rights during the town's pleasure. In 1735, that part of Winter Island which was not needed for drying fish was let out with the Neck as a common "town pasture," and so both Neck and Island continued to be used together with a common stint, *e. g.*, "2½ acres to a cow & 4 to a horse," but with special preference allowed to inhabitants dwelling nearest the Neck. In 1765 the town authorized its treasurer to let the Island and the Neck together for the pasturage of seventy-two milch cows at 10s. 8d. In 1824 Winter Island was annexed to the so-called Alms House Farm, which, by this time had enclosed about ninety acres of the old Neck lands. Instead of the town's cattle, the town's poor were now fed in commons upon the Town's Neck. It is a curious and instructive commentary upon the transformation of communal institutions, that an old Town Pasture should become the material basis for a Town

---

[29] Report of the City Solicitor on the sale of the Neck Lands, communicated to the City Council, Dec. 27, 1858. To Judge Endicott's valuable report we have been greatly indebted for facts in the paragraphs concerning Winter Island and the Town Neck. Cf. Felt's Annals of Salem, i, 191-2.

[30] Mass. Col. Rec., iv, Part 2, 563.

Farm and a Hospital.[31] The twenty-three acres remaining from the Neck land passed under the control of the Overseers of the Poor, who annually appointed a Hayward and voted when the town or city of Salem (city since 1836) might drive its cows afield. Of course a fixed rate was now demanded for every creature and accommodations were strictly limited. There used to be gates leading into the Town Pasture upon the Neck. They seem to have lasted until a comparatively recent period, for a Salem poet of our time has sung their praises.

> What rapturous joy
> Kindles the heart of an old Salem boy,
> As he returns, though but in thought, to take
> That old familiar walk "down to the Neck!"
> The old "Neck Gate" swings open to his view,
> At morn and eve, to let the cows pass through.[32]

---

[31] "In 1747, a committee having been appointed to select a site for a pest house, reported Roache's Point on the Neck (where the work house now stands), and recommended one to be built there. The Town accepted the report, and voted a sum to build it, "and that Roache's Point be the place for erecting said house" (see above Report, 13). "It also appears from the records that the town exchanged certain portions of the land received from the commoners, about five acres, for land belonging to Allen's farm at Roache's Point and at Pigeon Cove. And in 1799, a hospital was built for small pox patients, which was standing within the last twenty years" (*ibid*, 14).

We note that a Work House was ordered by the town of Salem, March 16, 1770, to be placed on the northeast part of the present Town Common or Training Field. Some very interesting rules for the management of a parish Work House, which is an Old English institution, may be found in the MS. Town Records of Salem under the date of March, 1773.

[32] From Mr. Brooks' poem, previously mentioned.

[From Historical Collections of the Essex Institute, Vol. XX, pp. 161–179.]

THE GREAT PASTURES OF SALEM.

BY HERBERT B. ADAMS.

Originally there were still larger Town Pastures in Salem than the Town Neck. These were known as Cow Pastures or the Cattle Range. In 1640 it was resolved by the Town that none of the Commons within the Cattle[1] Range should henceforth be granted to any individual use. The boundaries of this great tract, known as the Cattle Range, are described in the original records as beginning at the head of Forest river, where fresh and salt water meet, and as extending thence southward, and up to Mr. Humphrey's farm,[2] thence to the pond, "and so about to Brooksby," or to the present town of Peabody. The area of this great Common Pasture once embraced about four thousand acres, and what remains of it is known to this

[1] Town Records of Salem, i, 108, 109. Felt, Annals of Salem, i, 199.

[2] "It is agreed, that Mr. Humfrey his ground shall begin at the clift, in the way to Marble Head, wch is the bound betwixt Salem & Linn & so along the line between the said townes to the rocks, one mile by estimation, to the great red oake marked," etc. See Mass. Col. Records, i, 226. Mr. Humfrey's Farm was the historic germ of Swampscott. He was one of the six original patentees of the Massachusetts Colony.

day as the Great Pastures of Salem. They now embrace about three hundred acres and are a familiar land-mark to every native of the region. A local bard has not forgotten them in his enumeration of the attractive features of this ancient town:

> "The old town-pastures have not passed from sight,
> 'Delectable Mountains' of his childhood — there
> They stretch away into the summer air.
> Still the bare rocks in golden lustre shine,
> Still bloom the barberry and the columbine,
> As when, of old, on many a "Lecture day,"
> Through bush and swamp he took his winding way,
> Toiled the long afternoon, then homeward steered,
> With weary feet and visage berry-smeared." [3]

The division of the original Cattle Range or Town Pastures among the various parishes and dependents of Salem is one of the most important chapters in her local history, although it has received little attention. The witch trials, which occurred only a few years before the passage of Salem's agrarian laws, have quite eclipsed them in the popular mind, which always dwells upon the phenomenal element in human history rather than upon natural and underlying laws. The communal spirit, implanted and fostered in the parishes of Salem by the acquisition and administration of common land, was of more vital and enduring consequence in the history of that town than any temporary obscuration of the common sense, chronicled as one "dark day." Agrarian laws, or the administration of the *ager publicus*, acquired by conquest, constitute the real economic history of Old Rome, and we may well believe that the long conflict between the Old Commoners, or Patricians, with the Cottagers, or Plebeians, of Salem was of great moment in the upbuilding of this village commonwealth. The grounds of the conflict

[3] From the Rev. Charles T. Brooks' poem, previously mentioned.

were as deep-seated as the aristocratic class-distinctions of Old England, which are felt in New England to this day; and the results of the conflict are as lasting and potent for good as the freehold land tenure, which in Salem, as elsewhere, evolved for many poor cottagers, or landless inhabitants, out of the ancient Town Domain.

In a former chapter it has been shown that many poor people, workingmen, servants, and fishermen, were received into the town of Salem simply as inhabitants, oftentimes with the right of building a cottage upon some bit of waste land, but without any recognition as landed proprietors. Some of these poor people were granted house-lots, to be held during the town's pleasure. These so-called "cottage-rights" were akin to the shanty-rights that are sometimes temporarily allowed to Irish squatters along the lines of our American railways, or upon the waste and unoccupied land of our towns and cities. Such privileges, when accorded by any real authority, were like the Old English cottage-rights, whereby poor peasants were allowed to build a hut or cottage upon the lord's waste land, the common land of the manor. Upon this waste, the peasants usually enjoyed certain rights of commonage; for example, to wood, turf, and pasturage; and they often cultivated in common certain portions of arable land and gathered the hay from certain common meadows, paying their lord in produce or in base services for the privilege of retaining these immemorial customs. In the Middle Ages, such tenants were variously known in manorial records as *Cottagii*, *Coterelli*, *Cotlandarii*, *Coterii*, *Bordarii*, *Cotmanni*, any one of which terms signifies much the same as Cottagers.[4]

[4] For the best discussion of the English Cottagers, see Professor William F. Allen's paper on "The Rural Classes of England," 4, 5, 8, 10, 11. Cf. Laveleye, "Primitive Property," 22, 247.

Many of the first settlers of New England were, in economic respects, akin to this class of Cottagers. More of our New England colonists than is commonly supposed belonged in Old England to the landless class, and, like all emigrants since the world began, most of them left their native country in order to improve their economic condition. Many of these English emigrants were so poor that they came out to America as indented servants, virtual serfs, until they could work out their freedom. By an express order of the General Court of Massachusetts, no servant could have any land allotted him until he had faithfully completed his term of service;[5] and, in Salem, men who had yet to serve were absolutely refused recognition as inhabitants of the town.[6] Of this class of men, who were the slaves of English capital, Salem undoubtedly had its share. The Reverend John White, in his "Planter's Plea," speaks of three hundred colonists, "most servants," who were sent over to Salem by the Massachusetts Company; and Barry, the historian of Massachusetts, admits that there were originally one hundred and eighty servants sent to that town.[7]

In Massachusetts, stock companies, in which, by the way, the governments of both town and colony originated, took the place of what, in Old England, had been a feudal or manorial regime. English capital, and the spirit of corporate association for economic purposes, were fundamental facts in the colonization and local upbuilding of Massachusetts. Although landless men acquired freeholds by patient industry in the older towns, or by adoption into westward moving companies, yet, in the beginning, these men had a struggle for existence almost as hard as

---

[5] Mass. Col. Records, i, 127. [6] Town Records of Salem, i, 47.
[7] For references, see chapter on the "Origin of Salem Plantation."

that of poor men in Ireland to-day. Undeniably there was an aristocratic aversion on the part of our thrifty Puritan forefathers against granting land to new comers, unless they were men of some property. This feeling was entirely natural. Our forefathers were brought up in the English parishes, and they regarded with contempt all paupers and vagabonds.[8] To this day the old feeling survives in New England, and a poor man who gets anything out of one of our towns gets it by the hardest. In Salem and in the first Plantations of Massachusetts, the poor white trash of the period had greater difficulties to contend with than it did originally in Virginia, for the communal spirit, intensified by the Puritan idea, not only forbade dispersion and squatter sovereignty, but wisely kept the control of the commune in the hands of good, substantial citizens, who were able to pay taxes and help support preaching.

In the year 1660, it was enacted by the General Court of Massachusetts that, after that date, no cottage or mere dwelling house, except such as were already in existence or should thereafter be erected by town consent, should be admitted to the right of commonage, which, in those times, meant chiefly the right of pasturing town-land. This Act,[9] although indicating a continuity of the ancient communal spirit, marks nevertheless the first important concession to the plebeian element in our Massachusetts towns. The concession was as necessary as it was important for the economic evolution of the original narrow communes. The ranks of the cottagers, originally landless men, but now in many cases possessed of small holdings by thrift and purchase, had been greatly strengthened

[8] For an early law against Vagabonds and Tramps, see Mass. Col. Records, iv, Part 2, 43.

[9] Mass. Col. Records, iv, Part I, 417.

by the so-called "New Comers," a wealthier class who had pressed into the village communities of Massachusetts and who, by reason of their wealth, had obtained lands, although like the Cottagers they were kept out of any dividend of the Commons. Towards the close of the seventeenth century these New Comers and the Cottagers, or the *Novi Homines* and the *Plebs* of our New England towns, became a very strong party, so strong, indeed, in some communities, that they overthrew the patrician element, or the descendants of the Old Comers, and carried town meetings by revolutionary storm.[10]

In the year 1692, the General Court, still under the influence of the patrician party in the towns, determined to allow a division of the Common Lands "by the major part of the interested" proprietors, but it was carefully enjoined, as in 1660, that "no cottage or dwelling-place in any town shall be admitted to the privilege of commonage of wood, timber and herbage, or any other privileges which lie in common in any town or peculiar, other than such as were erected or privileged by grant before the year one thousand six hundred sixty-one, or that have since, or shall be hereafter granted." This Act[11] of 1692 is the real point of departure for the division of the Salem Pastures and of all other Common Lands in Massachusetts. The local authorities in Salem were evidently familiar enough with the text of this law, for it is frequently quoted in the town records, and the town clerk speaks of the original as in "Folio 23, Province Law Book." The Salem town records which cover this period of agrarian

[10] The histories of old towns like Haverhill and Newbury afford a striking commentary on that agrarian revolution by which the common people of Massachusetts declared their independence of lordly townsmen in the commune long before the English Colonies in America threw off the tyranny of a privileged class of rulers.

[11] Acts and Resolves of the Province of Massachusetts Bay, i, 65.

agitation have not yet been printed, but even a cursory examination of the manuscript volumes, now preserved in the office of the city clerk of Salem, will convince the student that the Land Question occupied *public* attention far more steadily than did the contemporary question of Witchcraft. For agrarian communities, the chief interests are always connected with the use of the soil, just as for fisher-folk the chief thought is always concerning the spoil of the sea. In reading the town records of Plymouth or of Salem, one cannot fail to perceive that the undercurrent of New England town-life, however broken the surface, is one steady and unceasing drift of hard common sense, driven on by the resistless pressure of cumulating majorities, and by the grinding force of public necessity.

The pressure upon the Old Commoners of Salem became so strong in 1702 that they voted, agreeably to the colonial law of ten years before, that all persons who had cottage right previous to 1661 should be classed among the "proprietors" of Common Lands. It was also voted, in the above year, for the benefit of the New Comers, or "For ye Incouragement & Growth of this Town: That all Free-holders of this Towne vizt: Every one yt hath a Dwelling house & Land of his own proper Estate in Fee Simple Shall have & is hereby Admitted unto ye priviledge of Commonage." At the same time it was carefully provided that nothing should be done in reference to the division, stinting, fencing, or disposal of the Commons, unless the matter be brought before town meeting "in an orderly way by ye Selectmen of ye Towne, & there Debated & Voted, as hath been usuall." It is important to state that the Old Commoners in Salem seem to have always constituted the sovereign element in town meeting and to have controlled the machinery of local govern-

ment. The *Novi Homines* and the *Plebs* never really obtained the upper hand in this aristocratic old village republic. All agrarian reforms in Salem were brought about by concession on the part of the patrician element, and not through popular revolution. The town fathers, or the heirs of Old Comers, slowly yielded to the wishes of the New Comers, and thus the agrarian commune was gradually widened without losing its aristocratic and sovereign character; for newly admitted members immediately became as conservative of communal rights as had been their more favored predecessors.

In 1713, a meeting of Commoners was called under warrant from a justice of the peace, issued in due form to one of the Proprietors. This meeting, after it had been duly organized, encountered from some quarter an obstructive line of policy. Complaint was made because the meeting was held in too small a place and without sufficient warning. After much debate, it was agreed to make present proceedings null and void and to summon a new meeting. A fresh warrant was issued by a different justice and the people gathered together in the chief meeting house of Salem. A moderator and a clerk were appointed as in ordinary town meetings (of which agrarian meetings were probably the prototype), and a committee of nine was chosen to receive claims to the Common Lands of Salem. This committee was instructed to receive such claims as were authorized by the town vote of 1702 and by the Province law of 1660. The committee had also to consider what should be done for those who paid heavy taxes (that is, for the patrician element) and what for those who had no claims at all.

The committee posted a public notice upon the door of the Meeting House, warning inhabitants to bring in their claims to shares in the Common Lands. According to

previous instructions, the committee proceeded to record applications in two distinct columns, one for cottages erected before the year 1661, and the other for all freeholders privileged by the town vote of 1702. Any one studying these parallel lists will notice that many freeholders represent also certain cottage rights established upon their own farms (as upon Old English manors), and also upon the Town waste, and even upon the Village Green. For example, Colonel John Hathorne, a well-to-do man (whose name represents the famous Hawthorne family) claims a house or freehold in the village, also a house upon his farm, and two cottage rights there. Mr. Gedney's name stands for three freeholds and for six cottage rights, four of them being in his great pasture and one upon Antrum's farm. John Pickering (the ancestor of Washington's Secretary of War) represents three freeholds and six cottage rights, one of the latter being at Glass House Fields, and another in South Field Point. Some of the cottage rights were in North Fields and some in South Fields. One cottage right was in the "Horse Pasture;" another on "the Towne Common."[12] One man, who is spoken of rather disrespectfully as "Old Nichols," had a cottage near the Pound, in North Fields. The cottage rights are usually specified by the name of some owner, past or present; and, in some instances, a considerable number of rights appear to have been massed in

[12] In early times, the present Town Common (Washington Square) of Salem appears to have been a kind of Town Waste. People were sometimes allowed to build shanties upon it, possibly for the purpose of serving refreshments on Training Days. Portions of the Common were leased for public purposes down to the year 1779 (Felt, ii, 197) and possibly until a much later period, for the custom continues to this day in many old communities, where the Selectmen are empowered to lease Town Land. At one time, there were public buildings upon the Common, *e. g.*, a school-house, a fire-engine-house, an alms-house, a cannon-house, etc. Churches were sometimes built upon the Town Common in the older villages of New England.

one man's hands, indicating possibly that cottage rights, after they were recognized as valuable, were bought up by rich men, as were Revolutionary and Pension Claims in after times.

In 1713, the same year in which the town of Salem first recognized the claims of her Cottagers and all Freeholders to share in the division of her common and undivided lands, was passed that vote which secured forever for public use the old Town Common or Training Field, the beautiful Washington Square of to-day. The origin of this Common is coëval with the origin of the town, for this tract was part of the oldest Town Land. The first distinct reservation of Salem Town Common was in 1685, when it was appointed by the town as a place where people might shoot at a mark.[13] In the year 1713, it was voted, "That the common lands where trainings are generally kept, before Nathaniel Higginson's house, be and remain as it now lays to continue forever as a Training Field for the use of the said town of Salem."[14] Originally Salem Common was a marshy tract, full of sedge and brush. "We have seen the men who have cut the flags and hoops on the Common and had rights to it, till the final settlement between the Cottagers and Commoners in 1713,"[15] says an old resident writing in 1819. The

---

[13] Felt, Annals of Salem, ii, 495.

[14] MS. Town Records of Salem, vol. iii. The first volume of the Town Records of Salem, 1634–59, has been published by the Essex Institute, in a form and with a literal exactness that are worthy of wide imitation. The other volumes, which must also be published and utilized before early Salem History can appear to the world as something besides Salem Witchcraft, are preserved in the vault at the office of the City Clerk. The second volume covers the period from 1659 to 1680; the third, from 1680 to 1748; and the fourth from 1748 to 1775; etc. Little conception of the richness of these unpublished Town Records can be had from the brief use made of them by the writer of this monograph, or by other investigators with only special points of interest in view.

[15] Quoted from Essex Register, of August 4, 1819, by B. F. Browne, Hist. Coll. of Essex Inst., iv, 2.

surface of the now level Common was for a long time very uneven, with numerous hills and marshy hollows, and pools of standing water. The tract was levelled about the beginning of the present century, at an expense of twenty-five hundred dollars; and, in honor of this public improvement, the Selectmen, in 1802, ordered the Common to be called "Washington Square," but the old name of "The Common" is still retained in popular use, like the name of "Boston Common,"[16] and it is to be hoped that it will survive forever, as an open record of the original land community from which the modern city has evolved.

At the same time the Town Common was reserved, it was also voted that all highways, burying places, and other common lands lying between the Town Bridge and the Block House, should remain common forever for the use of the town. Thus were secured to Salem those necessary communal foundations for the living and for the dead, for the present and the future. The reservation of land for cemeteries, for streets and sidewalks, and for all public open spaces, is not ordinarily thought of as a survival of the principle of agrarian community in the midst of individual landed property which now seems to prevail almost everywhere, but this survival is none the less real because it is common and unnoticed.

Before proceeding to a division of the Common Lands, the Proprietors made still further reservations for the benefit of the community. From that magnificent town patrimony of four thousand acres of Commons, sixty acres were now granted for the use of the poor "and such others as are Livers in the Town but not Privileged to a Right

[16] An attempt was once made to change the name of "Boston Common" into "Washington Park."

in the Common Lands." These were they who had no claims. It is interesting to observe how this reservation for the poor was administered. The sixty acres were appointed for a cow pasture, three acres to a cow right; and the Selectmen were from year to year to nominate such poor people as deserved the right of commonage. Thus, it should be observed, there was no premium placed on poverty, for only "such as have a cow of their own to keep" could secure the right of common pasture. A cottager who owned only a goat or a pig was ruled out from town bounty, for he could not be classed with his betters who owned a cow. An end, however, was made to all possible jealousy of Salem's aristocratic poor, when, in in 1834, the town sold the pasture for six hundred dollars, and thus re-asserted its right of communal domain. But, by this time, the town was providing for its poor in a more excellent way. The Town Farm had now taken the place of the old Town Pasture, and Winter Island was reserved for the benefit of poor fishermen, who could there find a place to dry their fish. But a rent of five shillings per annum had to be paid to the town for the use of Winter Island,[17] thus indicating that the title to this tract, like the right to the reservation for the poor, was still vested in the town.

Besides the reservations for the poor, for the Town Common, and for other public purposes, small lots were assigned for the benefit of the clergy of Salem. In Old England, and in Southern Colonies like Maryland and Vir-

[17] During the late civil war, Winter Island was given over to the United States Government, for the purpose of harbor-defence, but since the return of peace Congress has granted the use of the Island to Plummer Farm School, so that the old locality is still a kind of public agrarian interest. The Neck lands, once a kind of Home Pasture for "Riding Horses," Milch Cows, etc., have now been converted into a pleasure-ground called "The Willows," where cook-shops, booths, and merry-go-rounds preserve for "the dear old Neck" its primitive character of a Home Pasture, or out-door nursery, for Salem children.

ginia, such reservations would have been called Glebe Lands. Ten acres were granted to the ministry of the First Parish of Salem; but for the clergy of the Second Parish five acres were considered enough. Five acres were also allotted to the pastor of the Village Precinct, afterwards known as Danvers, and five to the Middle Precinct, later called South Danvers, now Peabody. "The East Parish lot," says Felt, "was sold in 1832 for $146. That of the First Parish was disposed of in 1819 for $565. This sum was added to the fund for supporting their ministry, except enough of its income to purchase twenty bushels of potatoes annually for the clergyman then their pastor, which had been the amount of the rent."[18]

Including these Glebe Lands and four hundred acres which were reserved to satisfy incidental claims, for example those of the town of Lynn in the boundary disputes then pending, there were altogether at the disposal of the Proprietors something over four thousand acres, not reckoning abatements made on account of the quality of the land. Upon adding up the claims, there were found to be 1,132 rights to commonage. Of these, 138 rights or the equivalent of 460 acres, belonged to the inhabitants of Salem Village and "Ryall's Side," or the North Precinct; 204 rights or 680 acres belonged to the dwellers in the Middle Precinct; and 790 rights, or 2,630 acres, to the Proprietors of the body of the town, or of the two lower parishes of Salem proper.

In the year 1722–3, the Commons of Salem were divided between the claimants, according as they happened to be grouped in the above named local precincts. To Salem Village and Ryall's Side[19] was granted all the Com-

[18] Felt, Annals of Salem, i, 190.

[19] The Records of the Proprietors of Salem Village and Ryall's Side from 1729-99 are still in existence.

mon Land beyond Ipswich River. The Middle Precinct received the Commons lying in that neighborhood. The body of the town of Salem retained the Common Lands lying on the south side of a line drawn from the northeast end of Spring Pond, beginning at a run of water there, thence easterly to so-called Tylly's Corner, then back of the Glass House Fields and down the plains to the house formerly owned by Humphrey Case, and so on to Norton's house and the Town Bridge, which entire circuit embraced the greater part of the Commons, or over 2,500 acres, besides the so-called "Flint's Pasture."

After this grand division of communal property, a new board of Commoners was instituted for each precinct, and the same old system of corporate administration of common property went on unchecked, and with the old spirit of aristocratic exclusiveness as regards all New Comers. The above division not only gave greater strength to all freeholders and cottagers in the community, but it furnished an economic basis for two new towns, besides various parishes. The old system of agrarian community has died out in the younger towns which branched off from Salem, but in the mother-town it has been perpetuated down to the present day.

The history of the gradual curtailment of the Great Pastures of Salem, from their original extent of 2,500 acres, at the time of the above distribution, to their present comparatively narrow limits of 300 acres, does not fall within the scope of this monograph, which is less concerned with purely topographical details than with the origin and continuity in Salem of an archaic system of which the Great Pastures are a curious survival. Every year since the above division, the Proprietors of the Great Pastures have met, elected a moderator, listened to the report of the clerk, and have passed their customary

orders concerning the "stinting" of pasturage. The common domain, like the board of Commoners, has been gradually shrinking up, as did the Roman Senate and the dominions of Rome. The heirs of the original Proprietors, the *decuriones* of Salem, have been gradually dying off or selling out their rights to others. Farm after farm has been set off by vote of the Commoners to those who desired individual possession of their rights. Piece by piece the old Commons have been parcelled out into individual holdings; but still, down to the very present, a remnant of the once Great Pastures has been preserved. The actual quantity of land is of little significance compared with the fact that for nearly three centuries this old system of commonage has remained practically the same in the town of Salem. The writer has examined, at the house of Dr. Henry Wheatland, the present Commoner's clerk, the original records, which are remarkably complete, and he finds that a vote recorded in the last quarter of the nineteenth century differs very slightly in substance from votes passed throughout the seventeenth century. The charm of novelty should not be expected in a system which has its chief interest in the fact of endurance without a change for more than a thousand years in Old England before the English thought of conquering for themselves a New England.

And here, in passing, let us notice one illustration of the survival of archaic custom in the method of conveying land in early Salem "by turffe and twigg," which is mentioned by Palgrave as a Saxon form, to which later deeds and records were only collateral. This singular custom, not unknown among ruder peoples than the Saxons, was kept up in the rural parishes of old England and was thence directly transmitted by the Puritan Fathers to

these New England shores, where it long survived in the towns of Essex county, which after all was but a colony of modern East Saxons, with a North-folk and a South-folk, for county neighbors, though without a Wessex. What links in history are these old county names and local customs! What an iron grip upon early English precedent was that in 1695 when John Rusk of Salem, in the presence of two witnesses, took a twig from a growing tree and a piece of green turf, both upon his own land, and said, "Here, son Thomas, I do, before these two men, give you possession of this land by turffe and twigg!"

The right of alienating shares in the Great Pastures by deed was very early provided for by the old commoners of Salem. In 1732 a committee of nine men was appointed to measure, lay out, and convey lots from the common domain. Lots large enough for building purposes were thus frequently sold off by vote of the majority of commoners, who divided the proceeds. Individual rights were conveyed by deed, signed by the Committee in the name of the Proprietary. There are several such deeds in the town records, *e. g.*, vol. iii, under the dates, December 25, 1732; June 26, 1733; September 19, 1738. The above committee also compounded with persons who had encroached upon the Commons; for example, a man who had built a shop upon common land, was allowed to remain by paying thirty-five shillings per rod for the ground occupied.

From the open air meetings of Saxon townsmen deliberating as to when and how they should plant, harvest and pasture their Common Fields, it is but a single step in history to the Court Leet, or popular assembly of tenants, upon the manorial estate of an English lord, or of a Maryland proprietor. It is but another step in his-

tory from these popular assemblies to the modern lawn meeting in Sir Walter's Park, whither flocked

> "His tenants, wife and child, and half
> The neighboring borough with the Institute
> Of which he was the patron"— *Tennyson's "Princess."*

From the Field Meetings of English Institutes, the transition is easy to a Field Meeting[20] of the Essex Institute. Here, as the English poet sings, all the sloping pasture seems to murmur, sown with happy faces and with holiday, and here, too, as in Sir Walter's Park, sport goes hand in hand with science.

ADDENDUM.

The following communication, made to the Salem Gazette, August 16, 1881, by Mr. H. F. Waters, a well known antiquary of Salem, is valuable for its items of historical interest and for its exact transcription of votes from the original Town Records:

Messrs. Editors: In connection with the paper of Mr. Adams, at the Institute meeting, the following "votes" from our old town records may not be uninteresting. Additional information is given in the Report, prepared some years ago by Judge Endicott, then City Solicitor, upon the Neck lands. The "Blockhouse" stood about on the site of the late pound at the head of the Neck, and the land shore was known as the "Blockhouse Field"

---

[20] So-called "Field Meetings" for the regulation of Common Lands, used to be held in Connecticut, see Lambert, New Haven, 96-7, and of necessity must have existed in the "Perambulation" and "Division" of Salem Commons, to say nothing of the associate planting and harvesting of Common Fields. But the Field Meetings of the Essex Institute are not the direct continuation of the earlier Salem institution, although they are, perhaps, the outgrowth of the same original idea; for the Field Meetings of English scientific societies, which suggested the Field Meetings of the Essex Institute (see Bulletin of the latter, i 89), are themselves the cultivated product of the old English instinct for open air assemblies. The name Field Meeting, actually surviving in its original sense in this country, if not also in England, is sufficient proof of this view.

into this century. It belonged to the heirs of Benjamin Ives, who sold it to their kinsman Richard Derby.

As to the acres "sett a Part" for the use of the ministry . . . for pasturage, this privilege seems to have been commuted later for a money payment, as Dr. Bentley records being waited upon by a farmer from Danvers, who brought him rent for the use of the "Minister's Field," much to the good divine's surprise, as he had previously known of no such perquisite.

"Att a Meeting of the Proprietors of the Lands lying in Comon In the Town of Salem, held at the Meeting-house in the first Parrish In Salem November the Twenty-Second Day one Thousand Seaven Hundred and Fouerteen being Legally warned

Voated That Coll'o Samuell Browne Esq'r is Chosen Moderator for the Meeting.

Voated That the Returne of the Committe who were Appointed to Receive the Claims to the Comon Lands In Salem as Itt is entred on the other Leafe Backward is Received allowed and approved.

Voated That whereas there are Severall Claims nott yett ffully made out to thee Committee, and others who have Neglected to bring in their Claimes: Therefor for Compleating the same That the Proprietors doe grant further Liberty to the Committee for fouer or five months next Comeing to Receive & Enter all such further Rights and Claimes as any person may have to make that none may be excluded that have Right and that Notifications be by them Accordingly Posted up in the most Publick Places in the three several Parrishes of the time and place of the Committee's Meetings.

Voated That there be sixty Acres Granted for the use of the Poor of this Town and such others as are Livers in the Town but not Privileged to A Right in the Comon Lands and the same to be for a Cow Pasture: To be allowed Three Acres to A Cow the selectmen from year to year to Propose and allow the persons so to be Priviledged and they are to be such as have a cow of their own to keep.

Voated That Winter Island be wholly Reserved and Granted for the Use of the Fishery, and such shoremen as Dry fish there who live in the Town that pay an acknowledgment or Rent of five shillings per annum for a Room to dry ffish for a ffishing vessell and such as live in other Towns who come and dry ffish there shall pay an acknowledgment or Rent of Twenty Shillings per annum for a fish room for each vessell: To be lett by the Selectmen of the Town of Salem yearly and

and the rents to be pd into the Town Treasurer for the use of the Town: the Hirers to fence in the same att their own charge.

Voated That the Neck of Land to the Eastward Part of the Block-houses be Granted and Reserved for the use of the Town of Salem for a Pasture for Milch Cows and Rideing Horses, to be fenced at the Townes charge and lett out yearly to the Inhabitants of the Town by the Selectmen, and no one Person be admitted to put into said Pasture in a sumer more than one milch Cow or one Rideing Horse, and the whole number not to exceed Two Acres and a half to a Cow and fouer Acres to a Hors, the Rent to be paid into the Town Treasurer for the Time being for the use of thee Town of Salem.

Voated That there be Tenn acres of the Comon Lands sett a Part and Reserved for the use of the Ministry in the body of the Town for Pasturage, and five Acres more for the Village Precinct Ministry and five acres more for the Middle Precinct Ministry in suiteable and convenient places for them.

Voated That there be about Fouer Hundred Acres on the moste remote part of the Town towards or on the west end of Dogg Pond Rocks and Hills adjoining to Linn Line where there may be Last Damage to the known Proprietors to be Reserved for any such as may come and make out any Right or Claime after the first day of June next ensuing.

Voated That all Dwelling Houses built in thee Town of Salem since the year one Thousand Seaven Hundred and Two to this day being the 22d day of November 1714 Bee and hereby are admitted to and allowed a Right in the Comon Lands in Salem.

Voated That all the Comon Lands in Salem not otherwise disposed off bee measured by an Artist and Returned to the Committee who are desired to gett the same done.

Voated That the said Comon Lands be ffenced, and stinted or divided to and amongst the Proprietors of said Comon Lands in Proportion to their Rights and According to Quality as neer as may bee that have or shall make out their Rights before the first day of June Next ensuing as hereafter may be agreed on by the major part of the Propriety.

Voated That the Committee who were Chozen to Receive the Claimes to the Comon Lands or the major part of them are ordered and Impowered to Sell and dispose of some small Pieces and Stripe of the Comon Lands in this Town of Salem as may be sufficient to defray the Necessary Expences of the Committees and the charge of measuring the saide Comon Lands."

LAW BOOKS,

PUBLISHED BY

CUSHINGS & BAILEY,

BALTIMORE, MD.

ALEXANDER'S BRITISH STATUTES IN FORCE IN MARYLAND. 1 vol. 8vo..... $10 00

BARROLL'S MARYLAND CHANCERY PRACTICE. 1 vol. 8vo. 3 00

BLAND'S " " REPORTS. 3 vols. 8vo.. 15 00

BUMP'S FEDERAL PROCEDURE. 1 vol. 8vo..... 6 50

" FRAUDULENT CONVEYANCES. Third Edition. 1 vol. 8vo..... 6 50

EVANS' MARYLAND COMMON LAW PRACTICE. 1 vol. 8vo. 4 00

HINKLEY & MAYER ON LAW OF ATTACHMENT IN MARYLAND. 1 vol. 8vo..... 3 00

MARYLAND REPORTS. 100 VOLS. 8vo.

" DIGEST, BY NORRIS, BROWN & BRUNE.
Comprising Harris & McHenry, 4 vols. Harris & Johnson, 7 vols. Harris & Gill, 2 vols. Gill & Johnson, 12 vols. Bland's Chancery, 3 vols..... } 10 00

" DIGEST, BY STOCKETT, MERRICK & MILLER.
Comprising Gill, 9 vols. Maryland, 1—8 inc. Johnson's Chancery, 4 vols..... } 10 00

" DIGEST, BY COHEN & LEE.
Comprising 9—20 inc. Maryland..... } 10 00

" DIGEST, BY BURGWYN.
Comprising 21 to 45 inc. Maryland..... } 10 00

POE'S PLEADINGS AND PRACTICE. 2 vols.
Vol. 1, Pleading..... 8 00
" 2, Practice..... 7 00

GROUND RENTS IN MARYLAND. Ready in July. By LEWIS MAYER, Esq., of the Baltimore Bar. 1 vol..... 1 50

This work is an exhaustive treatise upon the subject of Maryland Land Tenure, which is of peculiar interest to students of institutional history. The work also contains a reprint of Mr. Johnson's paper on "Old Maryland Manors," Study VII. in the University Series.

MARYLAND REPORTS. 59 Vols. 1851 to 1882. Per vol..... 5 00

A few *complete* sets of Maryland Reports on hand at present, comprising:

Harris & McHenry's Reports.	4	vols.
Harris & Johnson's "	7	"
Harris & Gill's "	2	"
Gill & Johnson's "	12	"
Gill's "	9	"
Maryland "	59	"
Bland's Chancery "	3	"
Johnson's Chancery "	4	"
	100	vols. For sale cheap.

They also keep a large and complete stock of Law, Classical, Medical and Miscellaneous Publications, which they offer for sale at low prices.

Agents for Sale of the Publications of the Johns Hopkins University.

JUST PUBLISHED.

THE LAW OF HEREDITY.

A STUDY OF THE

CAUSE OF VARIATION,

AND THE

Origin of Living Organisms.

BY

W. K. BROOKS,

Associate in Biology, Johns Hopkins University.

---

1 Volume, 12o. Cloth, Price $2.00.

BALTIMORE:

JOHN MURPHY & CO., Publishers.

1883.

XUM

IV. Saxon Tithingmen in America. Read before the American Antiquarian Society, October 21, 1881. By H. B. ADAMS. (Now ready. Price 25 cents.)

V. Local Government in Michigan, and the Northwest. Read before the Social Science Association, at Saratoga, September 7, 1882. By B. W. BEMIS, A. B. Amherst College, 1880. (Now ready. Price 25 cents.)

VI. Parish Institutions of Maryland. With Illustrations from Parish Records. Published in abridged form in the Magazine of American History, April, 1883. By EDWARD INGLE, A. B. Johns Hopkins University, 1882. (Now ready. Price 40 cents.)

VII. Old Maryland Manors. Read before the Historical and Political Science Association, March 30, 1883. To appear in a book on "Ground Rents in Maryland," edited by Lewis Mayer, Esq., published by Cushings & Bailey, Baltimore. By JOHN JOHNSON, A. B. Johns Hopkins University, 1881. (Now ready. Price 30 cents.)

VIII. Norman Constables in America. Read before the New England Historic, Genealogical Society, February 1, 1882. By H. B. ADAMS. (Now ready. Price 50 cents.)

IX-X. Village Communities of Cape Anne and Salem. Read in part at a Field Meeting of the Essex Institute, August 31, 1881. By H. B. ADAMS. (Double number. Now Ready. Price 50 cents.)

XI. The Geneals of a New England State (Connecticut). Read before the Historical and Political Science Association, April 12, 1883. Abstract in University Circular, April, 1883. By ALEXANDER JOHNSTON, A. M. Rutgers, 1870. (Now ready. Price 30 cents.)

Origin and Development of the Municipal Government of New York City. I. The Dutch Period. II. The English Period. Published in the Magazine of American History, May and September, 1882. By J. F. JAMESON, Ph. D. Johns Hopkins University, 1882; Associate in History, Johns Hopkins University.

Administration of Berlin compared with that of New York. Two articles in *The Nation*, March 28, 30, 1882. To be revised and enlarged for this series. By R. T. ELY, Ph. D. Heidelberg, 1879; Associate in Political Economy, Johns Hopkins University.

French and English Institutions in Wisconsin. By W. F. ALLEN, A. M. Harvard, 1866; Professor of History and Latin, University of Wisconsin.

Civil Government in Iowa. By JESSE MACY, A. B. Iowa College, 1869; Professor of Historical and Political Science, Iowa College.

Indian, French, and English Towns in Ohio. By JOHN T. SHORT, Ph. D. Leipzig, 1880; Professor of History, Ohio State University.

Old and New Towns of Maryland. Read before the Maryland Historical Society, December 11, 1882. By LEWIS W. WILHELM, A. B. Johns Hopkins University, 1880; Fellow in History.

The Institutions of North Carolina. Read before the Hist. and Polit. Science Association. Abstract in Johns Hopkins University Circular, May, 1883. By HENRY E. SHEPHERD, University of Virginia, late Superintendent of Public Instruction, Baltimore, now President of the College of Charleston, S. C.